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STATE OF NEW YORK.

ANNUAL REPORT

OF THE

New York (N.Y.)

FOREST COMMISSION

FOR THE YEAR 1893.

VOL. II.



TRANSMITTED TO THE LEGISLATURE JANUARY 16, 1894.

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APPENDIX.

COMPENDIUM OF LAWS

RELATIVE TO THE

ADIRONDACK WILDERNESS

FROM 1774 to 1894.

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ADIRONDACK LEGISLATION.

All plans for the management or betterment of the Adirondack wilderness have to be shaped with reference to certain vested rights and existing conditions, which are based on laws passed long before the Forest Commission was established. Well-devised plans for forest improvement have been proposed and undertaken, from time to time, only to be defeated by restrictions found in some long-forgotten legislation. In discussing many of the evils and abuses which exist to the detriment of the forest, it is necessary to know how far such conditions are protected by law. For this, and various other reasons, and for convenience in reference, we submit herewith a compendium of laws embracing all legislation relative to the territory included in the Great Forest of Northern New York, from the beginning of the State to the present time.

Among these laws will be found the acts authorizing the erection of dams on Adirondack streams and the consequent destruction of the adjoining woods; declaring certain streams highways and giving the right to blast out rocks along such channels; chartering railroads through the woods, opening highways, and providing for surveys; establishing Arbor Day, and for the promotion of tree planting. Something of historical interest will be found in the old laws defining the boundaries of the Adirondack counties, offering bounty lands to soldiers, and establishing land grants. Sportsmen and owners of private preserves will find here the peculiar laws which guarantee exclusive rights to the fish and game on large areas of territory. It will be interesting also to note that of the earliest railroad charters granted in America, some were for railroads projected into or across the Adirondack wilderness. Some of the laws

reprinted here may be of little interest to the general reader, but they were included in order that the collection might be complete.*

The various acts have been grouped under the following classification:

PART I.

Forest Fires.
Floating Logs or River Driving.
Trespasses on State Lands.
Prison Lands.
Maps and Surveys.
Private Parks and Game Preserves.
State Fish Hatcheries.
Lake George and Schroon Lake.
Tree Planting.

PART II.

Certain Rivers declared Highways.
Dams and Reservoirs authorized.

PART III.

Military Grants and Bounty Lands.
Land Grants and Reservations.
Defining boundaries of certain Tracts.

PART IV.

Granting Charters to Railroads in the Adirondacks.

PART V.

Authorizing Military or State Roads, and Highways in the Adirondack Region.

PART VI.

Laws erecting Counties and defining the boundaries of certain towns.

* For a bibliography of forestry, and for tax laws, see Forest Commission Report, 1886.]

PART VII.

Laws condemning certain Lakes for Reservoirs — Decisions of the Board of Claims on Flowed Lands — Forest Commissions.

The volume will prove valuable as a book of reference, while to those interested in Adirondack matters, it will offer, we trust, something of interest beside a mere collection of laws. All of which is respectfully submitted.

**FRANCIS G. BABCOCK.
SAMUEL J. TILDEN.
CLARKSON C. SCHUYLER.
NATHAN STRAUS.
WILLIAM R. WEED.**

PART I.

FOREST FIRES.

FLOATING LOGS.

TRESPASSES.

PRISON LANDS.

MAPS AND SURVEYS.

PRIVATE PARKS AND GAME PRESERVES.

STATE FISH HATCHERIES.

LAKE GEORGE AND SCHROON LAKE.

TREE PLANTING.

PART I.

FOREST FIRES — FLOATING LOGS — TRESPASSES — PRISON LANDS — MAPS AND SURVEYS, ETC.

CHAPTER 71, LAWS OF 1788.

AN ACT to prevent firing the woods.

Be it enacted, That if any person or persons shall set fire to the woods in any part of this State, he, she or they, shall forfeit and pay the sum of ten pounds, to be recovered, with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same; the one moiety of which forfeiture, when recovered, shall be paid to the overseers of the poor of the town or place where the offense shall have been committed, for the use of the poor thereof; and the other moiety to the person or persons who will sue and prosecute for the same to effect as aforesaid. And such offender or offenders shall moreover be liable to all such damages as any person or persons shall sustain by such firing the woods as aforesaid.

Provided always, and be it, etc., That nothing in this act contained shall be construed to hinder or prevent any person or persons from firing his, her or their own woods; but if he, she or they do suffer such fire to extend beyond his, her or their own woods, he, she or they shall be subject to the penalty and forfeiture aforesaid, besides being answerable for the damages.

And be it etc., That when the woods in any town within this State shall be on fire, the justices of the peace, the supervisor, the commissioners of the highways, and the officers of the militia (not under the rank of captain) residing in such town, shall and they are hereby severally authorized and required, to order such and so many of the inhabitants of such town, liable to work on the highways, and who shall reside within the vicinity of the place, where such fire shall be, as they shall severally deem

necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same; and if any person so ordered to repair to, and assist in manner aforesaid, shall refuse or neglect to comply with such order, every person so disobeying such order, shall forfeit and pay the sum of four shillings, for every day he shall so neglect or refuse to obey, to be recovered in a summary way, with costs before any justice of the peace resident in such town, and the oath of the person having given such order, shall be sufficient evidence whereon to convict any delinquent, and the forfeiture so recovered shall be applied, as a reward to such person or persons as the officers aforesaid, or the major part of them, shall deem best entitled thereto, for superior exertions at the extinguishment or in stopping the progress of such fire. And be it etc., That all former acts and laws of this State, concerning firing the woods shall be void, and hereby are repealed.

CHAPTER 181, LAWS OF 1817.

AN ACT in amendment of an act, entitled an act to prevent firing the woods."

Be it enacted. That if any person or persons shall wilfully and maliciously set fire, or cause fire to be set, to woodland in any part of this state, he, she or they shall be deemed guilty of a misdemeanor, and being convicted thereof by due course of law, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment not to exceed one year, or both, at the discretion of the court before which such conviction shall be had.

Revised Statutes — Laws of New York (1876).

Volume 2, page 985, paragraph 1: "Every person negligently setting fire to his own woods or negligently suffering a fire kindled upon his own wood or fallow land to extend beyond his own land, shall forfeit treble damages to the party injured thereby. Every person so offending shall also be deemed guilty

a misdemeanor, and on conviction shall be punished by fine or imprisonment or both, at the discretion of the court; such fine not to exceed one thousand dollars and such imprisonment not to exceed one year.

Paragraph 2: "Whenever the woods in any town shall be on fire, it shall be the duty of the justices of the peace, the supervisor, and the commissioners of highways of such town, and each of them to order such and so many of the inhabitants of such town liable to work on the highways, and residing in the vicinity of the place where such fire shall be as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing the same or in stopping its progress.

Paragraph 3: "If any person so ordered to repair to and assist in manner aforesaid shall refuse or neglect to comply with any such order he shall forfeit and pay the sum of fifty dollars, and shall also be deemed guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment or both at the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed sixty days.

Paragraph 4: "Every forfeiture recovered under the last section shall be applied as a reward to such person or persons as the officers above mentioned or a majority of them shall deem best entitled thereto for superior exertions in extinguishing or stopping the progress of such fire."

FLOATING LOGS.

CHAPTER 103, LAWS OF 1804.

AN ACT to prevent the Stopping and Embezzling of Timber floating on the Hudson river.

Whereas great loss is sustained by those engaged in the rafting business, by evil disposed persons, in stopping, taking up and destroying timber afloat in rafts and otherwise: For remedy whereof,

I *Be it enacted*, That from and after the twentieth day of April instant, if any person or persons shall stop, take up, draw

to or lodge on the shore of Hudson's river, any timber, either round, hewed, sawed or riven, without the previous consent of the owner or owners thereof, every person offending in the premises shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered in any court having cognizance thereof, by any person who shall prosecute for the same; the one half of which penalty, when recovered, to be paid to the overseers of the poor of the city or town where such recovery shall be had, for the use of the poor thereof, and the other half to the person suing or prosecuting for the same to effect; and all persons so offending shall also be liable to prosecution by the owner of such timber for his or her damages.

II. And be it etc., That if any person or persons shall cut out, deface or alter any mark, or put a false mark on any such timber, either afloat in said river or lying on the bank or shore, or on any land where any such timber may have drifted, or shall convert any such timber to his, her or their own use, not being the owner thereof, every such person or persons is hereby declared guilty of a misdemeanor, and on conviction thereof before any court having cognizance of the same, shall pay a fine not exceeding twenty-five dollars, to be paid to the treasurer of the county where the offence was committed, and applied towards defraying the contingent charges of such county, and all persons so offending shall also be liable to prosecution by the owner of such timber for his or her damages.

III. And be it etc., That it shall and may be lawful for the owner or owners of any timber or raft by him or them found on the bank or shore of the said river, or any streams or land adjoining thereto, wherever the same may have been drifted or carried, to take the same away, paying to the owner or possessor of the land on which the same may be found, the amount of damages he, she or they may have sustained by such timber, and the removal of the same; but if the parties cannot agree in the amount of such damages, it shall be lawful for either party to apply to any two of the nearest fence viewers in the county where such timber may be found, and not interested therein, whose duty it shall be to determine the same at the expense of

the owner of such timber, whose decision thereon shall be conclusive.

IV. And be it etc., That when any timber in rafts or otherwise, shall be lodged on the bank or shore on either side of Hudson's river, or on any island therein, and if the owner or owners thereof shall not, within three months from and after the time such timber shall have been so lodged, take the same away, then it shall be the duty of such owner or possessor of the land on which such timber or raft shall be so lodged, and he, she or they are hereby required, by a writing under his, her or their hand, to describe such timber or raft, the quantity and mark or marks thereof as near as may be, and lodge the same with the clerk of the city or town where the timber or raft may be so lodged, which writing shall be filed in the office of such clerk for the inspection of any person who may wish to see the same: Provided nevertheless, That nothing in this act contained shall be construed to make the owner of the land on which such timber or raft shall be drifted, liable for the value thereof, unless the same shall afterwards be converted or taken by his connivance.

V. And be it etc., That if no person shall within six months after such writing shall have been so filed, claim such timber or raft, then and in such case it shall be the duty of the owner or possessor of the land whereon such timber or raft shall be so lodged, to inform the clerk of such city or town thereof in writing from under his, her or there hand, and such clerk shall cause such raft or timber to be sold at public vendue, to the highest bidder, after giving notice of the time and place of such sale, by writing under his hand, to be set up in three or more of the most public places in such city or town, not less than twenty-one days previous to such sale, and one half of the net proceeds of such timber or rafts shall be placed in the treasury of such county, to be appropriated in discharging the contingent charges of such county, and the residue thereof to the owner or possessor of the land on which the said timber or raft shall be lodged as afore-said: Provided however, That none of the penalties of this act shall or may apply to any person for taking up or stopping and making use of all or any such wood as commonly called drift

wood, any thing in this act contained to the contrary notwithstanding.

VI. And be it etc., That this act shall be and remain in force for two years from the first day of May next, and no longer.

CHAPTER 34, LAWS OF 1813.

LOG MARKS.

* * * * *

Sec. VI. *And be it further enacted*, That from and after the passing of this act, every person who shall put any logs or timber in the river Hudson or its branches, to the northwest of Bakers Falls (so called) for rafting or floating down said river or its branches, shall put his, her or their mark in a conspicuous place upon each log or stick of timber so put into the said river, or its branches, above the aforesaid place, and cause his, her or their mark to be recorded by the town clerk of Queensbury, whose duty it shall be to enter the same in a book to be kept by him for that purpose; which mark shall be different from any mark previously recorded; and every person neglecting or refusing to enter his, her or their mark, as required by this act, shall in no wise be entitled to any of the benefits or advantages arising from the same, but shall forever be debarred therefrom; and the assignee or vendee of any such logs or timber, shall be subject to the like regulations and restrictions; and the said clerk shall be entitled as a compensation for entering the mark of any person to the sum of twenty-five cents, to be paid by the person requesting his, her or their mark so to be entered; and the book kept by the said clerk as aforesaid, shall be subject to the inspection of any person requiring the same; Provided That nothing in this act contained, shall be construed to deprive any person or persons of the privileges thereof who shall put any logs, timber, board or plank in the said river south of Bakers Falls.

VII. And be it further enacted That a certificate of clerk of the said town of Queensbury, shall be received as

dence in any court within this state where any cause shall be pending, of the entry of the mark of any person in the book kept by him for that purpose.

CHAPTER 187, LAWS OF 1825.

AN ACT to prevent the Stopping and Embezzling of Timber floating on the Au Sable River.

I. *Be it enacted*, That from and after the passing of this act, every person who shall put any logs, timber, boards or planks into the river Au-Sable, in the county of Clinton or Essex, for rafting or floating down the said river, shall put his or her mark in a conspicuous place upon each log, stick of timber, board or plank so put into the said river.

II. And be it further enacted, That so many of the provisions of the first, second, third, fourth and fifth sections of the act, entitled "An act to prevent the stopping and embezzling of timber floating on the Hudson river," passed March 19, 1813, as may be applicable, shall be applied, and shall and may be extended to the said river Au-Sable and its islands and shores, and to any and all logs, timbers, boards and plank which may be put therein for rafting or floating down as aforesaid.

III. And be it further enacted, That whenever any logs, timber, boards or plank which may have been floated down the said Au-Sable river, shall be found in the possession of any person other than the owner thereof, such person in whose possession the said logs, timber, boards or plank may be so found, shall be held and deemed liable to the penalties provided by this act, unless such person shall prove that he became lawfully possessed of the same.

CHAPTER 275, LAWS OF 1839.

NOTICES FOR CONSTRUCTING DAMS.

tion 1. In all cases of applications to the legislature for the passage of laws authorizing the construction of dams, in or upon the streams and waters of this state, which are by law

public highways, like notices shall be given and published as are required to be given and published by the third title of the seventh chapter of the first part of the Revised Statutes, in cases of applications for acts of incorporation and in the other cases therein specified.

CHAPTER 533, LAWS OF 1880.

AN ACT to regulate the passage of lumber, logs and other timber upon rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture.

Sec. 1. There shall be no dam hereafter erected on rivers within this State, recognized by law or use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same, without an apron of at least fifteen feet in width, in the middle of the current of the rivers, of a proper slope, for the safe passage of lumber, logs and other timber; nor shall any bridge hereafter be built over the afore-said rivers, except in such manner as not to obstruct or prevent the free and uninterrupted passage of lumber, logs and other timber down and along the same.

Sec. 2. Any person or persons who shall hereafter erect any boom or booms or works other than dams in or across the waters of said rivers, for the purpose of stopping or securing lumber, logs or other timber, or any other proper or necessary purpose, shall, within ten days after he or they, or his or their agents shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers, open the said booms or other works so as to permit the assorting and passage and to allow such lumber, logs and other timber to pass through and down said rivers; and for a failure of so doing shall be liable to a penalty of fifty dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and in addition shall be liable for all damages sustained by any person in consequence of such obstructions; and any person willfully obstructing, by booms or otherwise, the

channels of said river so that the space of thirty feet shall not be open for use shall be liable for the penalty named in this section, to be recovered by the party aggrieved, the cost and labor of such assorting and passage to be borne by the parties desiring such logs, lumber and other timber to pass below such booms.

Sec. 3. Persons desirous of floating or running lumber, logs or other timber down the rivers mentioned in the first section of this act may construct a shute or apron in connection with any dam across said rivers, and may reconstruct any booms or other works already constructed in, over or across said rivers in such manner as to allow lumber, logs or other timber to pass by the same, and may remove obstructions in said rivers and construct such other piers, booms or other works as may be necessary for the passage of lumber, logs or other timber over and through the channels of said rivers, doing no injury or damage to the owner or occupant of such boom, dam or other works, or to the owner or occupant of any land on which such piers, booms, dams or other works may be constructed, or lands flooded thereby, and paying to such owner or occupant such damages as he or they may sustain by reason of the construction of such piers, booms or other works, or the flooding of lands thereby, and in case the amount of such damage cannot be amicably arranged by the parties interested, the same shall be appraised by three commissioners, to be appointed by the county court of the county in which the owner or occupant claiming damage shall reside, on the application of any person interested in the appraisal of such damage, on three days' notice in writing to the opposite parties of the time and place of making such application. Such booms and other works which shall be constructed as aforesaid, and the owners and occupants thereof shall hereafter be subject to the provisions of section two of this act.

Sec. 4. The provisions of the foregoing sections of this act shall not be construed to impair or abridge any private or individual rights, except so far as may be necessary for the improvement of said rivers, for floating or running timber, logs or other timber down the same.

Sec. 5. Any person making claim for damage arising under this act shall apply within one year after the occurrence of the same, or be debarred from recovering the same.

Sec. 6. Any person who shall put any lumber, logs or other timber into the said rivers, for the purpose of floating and running them down the same, shall select some mark different from any mark previously recorded, and put the same on to each log or stick of timber, in a conspicuous place, so put into said rivers, and shall cause the said mark to be recorded in the county clerk's office of the county in or through which said river is, in whole or part, situated.

Sec. 7. Every person who shall neglect to enter his mark, as required in the foregoing section, shall be debarred from all benefit arising from the due entry of such mark, and the assignee or vendor of such logs or timber shall be subject to the same regulations and restrictions.

Sec. 8. The clerk of the county in which said mark shall be recorded shall be entitled to the sum of fifty cents for recording such mark, to be paid by the person requiring the same to be recorded, and a copy of said entry, certified by said clerk, shall be received as presumptive evidence in all courts in this State that the logs or timber having such mark is the property of the person by whom such mark was selected and recorded.

Sec. 9. No person not authorized as hereinbefore directed shall stop, take up or draw to or lodge on the shore of the aforesaid named rivers, or any island therein, any lumber, logs, timber, boards or plank floating in said rivers, without the consent of the owner or owners thereof, and every person offending in the premises shall, for each offense, forfeit the sum of ten dollars to the person aggrieved, and in addition thereto shall be liable to the owner or owners of such lumber, logs or timber for all damages sustained thereby.

Sec. 10. Any person or persons intending to float or run lumber, logs or other timber upon and over any of the rivers mentioned in the first section of this act shall first execute a bond with sufficient sureties, in the sum of five thousand dollars,

to be approved by the county judge of the county or counties in or through which the river or rivers proposed to be used flow, and file the same in the clerk's office of said county or counties, as an indemnity against any and all loss and damage that may be occasioned or done to any and all property, public or private, in or upon said river or its banks, by the reason of the use of said rivers under the provisions of this act. And any person suffering such loss or damage may maintain an action in his own name against the parties executing such bond, for his loss and damage aforesaid. Until such bond shall have been executed, approved and filed as aforesaid, no person or persons shall float or run any lumber, logs, or other timber upon or over any of said rivers or assist in so doing; and whoever shall violate this provision shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment.

Sec. 11. This act shall not apply to the Hudson river, nor be construed to repeal any existing law now applicable to any river or rivers in this State.

CHAPTER 16, LAWS OF 1881.

AN ACT to amend chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this State recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture."

Sec. 11. This act shall not apply to the Hudson river, the Allegany river and its tributaries, nor the Delaware river and its tributaries, nor the waters located in Franklin county, used for floating logs or lumber, nor be construed to repeal any existing law now applicable to any river or rivers in this State.

CHAPTER 74, LAWS OF 1881.

AN ACT to amend chapter sixteen of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled 'An act to regulate the passage of lumber, logs and other timber upon the rivers of this State recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture.'"

Sec. 1. Section eleven of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this State recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture," is hereby amend so as to read as follows:

Sec. 11. This act shall not apply to the Hudson river, the Allegany river and its tributaries, nor the Delaware river and its tributaries, nor the waters located in Franklin county, nor the Moose river and its tributaries, nor the Beaver river and its tributaries, nor the Oswegatchie river and its tributaries, the Grass river and its tributaries, and the Raquette river and its tributaries, nor the waters located in Lewis county, used for floating logs or lumber, nor be construed to repeal any existing law nor applicable to any river or rivers in this State.

CHAPTER 385, LAWS OF 1891.

AN ACT to amend section eleven of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this state recognized by law or common use as public highways for the purpose of floating or running lumber, logs and other timber over or upon the same to market or places of manufacture."

Sec. 11. This act shall not apply to the Hudson river, the Allegany river and its tributaries, nor the Delaware river and

its tributaries, nor the waters located in Franklin county, nor the Moose river and its tributaries, nor the Beaver river and its tributaries, nor the Oswegatchie river and its tributaries, nor the Grass river and its tributaries, nor the Raquette river and its tributaries, nor the West Canada creek and its tributaries, nor the Black river and its tributaries above its junction with the Moose river, nor the waters located in Lewis county, used for floating or driving logs or lumber; nor be construed to repeal any existing special law now applicable to any creek or river in this state.

TRESPASSES.

CHAPTER 191, LAWS OF 1808.

AN ACT relative to the public woods in the county of Essex.

Whereas it is represented to the legislature, that iron ore is found in great abundance, and in various places in the county of Essex, and that the lands belonging to the people of this state, adjacent to the said ore, are covered with wood well adapted to the manufacturing of iron, and it being highly expedient to encourage the making of that important article. Therefore,

Be it enacted, That the surveyor-general shall, in his discretion lay out into one or more parcels, each parcel to consist at least of two hundred acres, such of the unappropriated lands, belonging to the people of this state, in the said county, as he shall deem best adapted for furnishing fuel for the making and manufacturing of iron, which said land, so laid out or selected by the surveyor-general, shall be subject to the disposal of the people of this state, for the sole purpose aforesaid.

And be it etc., That if any person shall cut down, waste or destroy any wood, on the land so set apart by the surveyor-general, or shall take away any wood from the said land, or procure either of the said acts to be done, he shall be considered guilty of a misdemeanor, and on conviction thereof shall be fined by any court having cognizance of the same in a sum not exceeding two hundred dollars, or be imprisoned for a time not exceeding sixty days.

CHAPTER 187, LAWS OF 1826.

AN ACT relative to the Sales of Lands belonging to the People of this State, and to prevent trespasses on public lands.

V. That if any person shall hereafter trespass on any land belonging to the people of this state, by cutting or carrying away timber growing thereon, excepting such persons as shall come within the proviso of the preceding section, he shall forfeit and pay the sum of twenty-five dollars for every tree that shall be cut or carried away; to be recovered, with costs of suit, in any court having cognizance thereof, in the name of the people of this state; and it shall be the duty of the district attorney of the county where such trespasses shall be committed, on complaint being made to him, to prosecute for the said penalties, and shall apply the monies collected, in the first place, to the payment of the costs and expenses incurred, including a reasonable compensation to the witnesses who shall attend in behalf of the people, to be certified by the court before which such recovery shall be had, and shall pay the residue thereof into the treasury of the county; and whenever any execution shall be issued, pursuant to such recovery, and the body of any defendant shall be arrested thereon, he shall be imprisoned according to law, without being entitled to the liberties of the gaol.

CHAPTER 21, LAWS OF 1783.

AN ACT to enable certain persons whose buildings have been destroyed by the enemy to procure timber for building.

Whereas, many of the inhabitants of the this State have had their dwelling houses, barns, mills and barracks destroyed by the enemy since the commencement of the present war, and it is represented to the Legislature that there is not sufficient quantity of timber on the estates of some of those unfortunate persons to rebuild the same whereby their distresses are increased and without the aid of the Legislature will be prolonged.

Be it therefore enacted: That it shall be the duty of the person administering the government of the State for the time being

to grant license or licenses under his hand and seal to such and so many persons resident in the several counties of this State respectively as he shall judge to be competent and necessary for the purpose, authorizing them respectively to grant permissions in writing to any and all such person or persons who shall require the same, and shall make it appear by proof to the satisfaction of the person authorized to grant permissions as aforesaid that their houses, barns, mills or barracks have been destroyed by the enemy, and that there is not on their estates respectively a proper and sufficient quantity of timber to rebuild the same, to cut and remove from any or such confiscated land as may be most convenient, and not located or sold by the commissioners by virtue of any laws of the State for that purpose, such and so great a quantity of timber as may be deemed by the person by whom such permission may be granted, necessary and sufficient to rebuild the houses, barns, mills and barracks which belonged to the persons respectively applying, and which have been destroyed as aforesaid. And the permission aforesaid shall be granted without fee or reward. Provided, nevertheless, that no person shall be permitted to cut timber on any part of the said confiscated farms, unless such farms shall have more timber thereon than shall be sufficient for the use thereof. And provided, also, that nothing in this act contained shall be construed to extend to any inhabitant of the southern district of this State, who hath during the present war remained within the power of the enemy.

II. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall cut or destroy any timber or other wood, upon any such forfeited estates more than the just quantity for rebuilding, for which they shall have licenses as aforesaid; and that it shall and may be lawful, for the commissioners of forfeitures of the respective districts within this State, and it is hereby made their duty to prosecute such person or persons who shall have committed trespass by cutting any wood or timber without first having obtained such permission.

III. And be it enacted by the authority aforesaid that this act and every power or authority given or to be given by virtue thereof, shall be and continue in force from the passing thereof, until the first day of March, one thousand seven hundred and eighty-five.

CHAPTER 261, LAWS OF 1829.

AN ACT concerning Trespasses on Lands contracted to be sold by the State.

Sec. 1. Any person who has obtained or shall hereafter obtain the certificate of the surveyor-general of having purchased any land of the people of this state, may upon obtaining the consent of the commissioners of the land-office, and on such terms as they shall prescribe, bring and maintain actions for any injury done or to be done to such lands after the date of such certificate, in the same manner as he might have done had a patent been granted in lieu of such certificate.

Sec. 2. Any person to whom any such certificate has been or shall be legally assigned, may have the like remedy for any injury done, or to be done after such assignment.

CHAPTER 256, LAWS OF 1889.

AN ACT to amend section seventy-four of article five of title five of chapter nine of the first part of the Revised Statutes, relating to trespasses upon lands.

Sec. 74. Every person who shall trespass on any land belonging to the people of this State, or on any Indian lands, or who shall trespass upon any other lands within the bounds of the Forest Preserve, or which may hereafter be included in the Forest Preserve, by cutting or carrying away timber growing thereon, shall forfeit and pay the sum of twenty-five dollars for every tree that shall be cut or carried away by him, or under his direction.

PRISON LANDS.

CHAPTER 460, LAWS OF 1847.

AN ACT for the better regulation of the county and state prisons of the state, and consolidating and amending the existing laws in relation thereto.

* * * * *

Sec. 138. All uncultivated lands belonging to the state of New York, or which may hereafter become the property of said state, and which shall be situated within twenty miles of the said* prison, shall be withdrawn from sale and shall be retained by the state for the purpose of furnishing fuel for the manufacture of iron by the convicts in the said prison.

* * * * *

CHAPTER 676, LAWS OF 1869.

AN ACT to amend section six of chapter seventy of the laws of eighteen hundred and forty-five, as amended by, section four, chapter two hundred and fifty-nine, of the laws of eighteen hundred and fifty-one, relating to Clinton prison.

Sec. 6. All uncultivated lands belonging to the State of New York, or which may hereafter become the property of said State, and which shall be situated within ten miles of the Clinton prison, shall be withdrawn from sale, and shall be retained by the State for the purpose of furnishing fuel for the manufacture of iron by the convicts in said prison, excepting such lots or parts of lots more than five miles distant from said prison as in the opinion of the State Prison Inspectors are not required for prison purposes, which said lots or parts of lots may be sold by the Comptroller on receiving a certificate from the State Prison Inspectors that it would be for the interest of the State to sell such lands.

CHAPTER 382, LAWS OF 1889.

* * * * *

Sec. 67. All uncultivated lands belonging to the State of New York, or which may hereafter become the property of said State

* Dannemora prison.

and which shall be situated within twenty miles of the Clinton Prison, shall be withdrawn from sale and shall be retained by the State for the use of said prison.

* * * * *

CHAPTER 733, LAWS OF 1867.

AN ACT authorizing the inspectors of State prisons to contract and purchase for the State, timbered land for the uses of the Clinton prison.

Sec. 1. John Hammond, one of the inspectors of State prisons, is hereby authorized to contract for and purchase for the State ten thousand acres,* or thereabouts, of timbered lands, located near Clinton prison, for the uses of said prison, which contract shall be subject to the approval and ratification of the Governor and Comptroller of the State, and not to be binding upon the State until so approved and ratified; said purchase to be made within one year from the passage of this act.

MAPS AND SURVEYS.

CHAPTER 2, LAWS OF 1827.

AN ACT providing for the publication of a Map and Atlas of this State.

Sec. 1. *Be it enacted*, That whenever David H. Burr† shall compile a map of a this state, on a scale of seven and one-half miles to an inch, on which shall be delineated the boundaries of counties and towns, the roads and canals, profiles of their levels, and a comparative view of the different elevations throughout the state, courses of the rivers and principal streams, the mountains and lakes, the mineral and salt springs, the cities, towns, villages, public buildings and principal manufactures; and whenever he shall compile an atlas on a scale of two and a half miles an inch, on which shall be delineated, in addition to the foregoing information, the outlines of all the principal

*Under this act the State purchased, in 1838, the lands now owned in Township 5, Old Military Tract, town of Ellenburgh, Clinton county.

†Burr's Atlas is a large and valuable work which is still in use.

grants under the colonial and state government, and the subdivisions of the same into lots, with their numbers, and the latitude of the seats of justice in the several counties, and their longitude from the city of Washington, and shall deliver said work to the surveyor-general, and comptroller for correction and revision, it shall be lawful for the surveyor-general and comptroller, after having revised and corrected the said work, and they are hereby required to cause the said maps to be engraved and printed, and to furnish to each town in the state a copy of the map of the county in which the town is situated, and retain fifty copies of the whole work for the use of the state: and they are hereby authorized to pay for the purchasing of materials, and the necessary expenses of engraving, publication, and the superintendence of the same, such sums as they may deem reasonable, not exceeding five thousand dollars, which sums shall be paid by the treasurer on the warrant of the comptroller, and that when the said work shall be completed, and the said copies for each town and the said fifty copies for the use of the state shall have been supplied, the plates on which the said maps shall have been engraved shall be delivered to the said David H. Burr, free of expense to him, as his compensation for compiling the said maps; Provided, the said maps shall be delivered to the surveyor-general and comptroller, for revision and correction, within two years from the passing of this act.

Sec. 2. And be it further enacted, That the surveyor-general, as soon as the said maps are completed in pursuance of this act, shall cause one county map for each town in this state in which the town is situated, to be deposited in the office of the secretary of this state, to be given to the clerk of each town, or to his order, for the use of said town.

Sec. 3. And be it further enacted, That the said David H. Burr shall be permitted to have access to all the public offices of the state, and in the several counties and towns, to take copies of any documents necessary to the compiling of the said maps, and which may be there deposited, free of expense.

CHAPTER 30, LAWS OF 1829.

AN ACT in addition to, an act providing for the publication of a Map and Atlas of this State.

Sec. 1. The surveyor-general and the comptroller, are hereby authorized to expend such further sum, not exceeding three thousand dollars, as they may deem necessary, for the purpose of completing the publication of a map and atlas of this state, compiled by David H. Burr, according to the provisions of an act on that subject, passed October 17, 1827, to be paid by the treasurer, on the warrant of the comptroller.

Sec. 2. No monies shall be paid out of the treasury of this state under this act, until the said David H. Burr shall file with the secretary of state, his agreement to furnish this state, for the use of the several counties, sixty copies of the state map, mounted and varnished, at the price of five dollars each, within three months after the publication of the same.

CHAPTER 61, LAWS OF 1831.

AN ACT to provide for the re-survey of the Public Lands.

Sec. 1. The surveyor-general shall, within one year from the date hereof, cause township number eleven, of the old military tract, to be re-surveyed, and the lines and corners and numbers of the lots to be distinctly marked thereon, and an accurate map to be made of the same, a copy of which map shall be filed in the clerk's office of the town of Wilmington.

Sec. 2. Whenever the commissioners of the land-office shall deem it necessary to have the lines of other tracts re-surveyed for the purpose of promoting the sale thereof, or for the better identifying the bounds of lots, it shall be lawful for them to direct the surveyor-general, to cause such surveys to be made.

CHAPTER 142, LAWS OF 1836.

AN ACT to provide for a geological survey of the State.

Sec. 1. The governor is hereby authorized and directed to employ a suitable number of competent persons, whose duty it

shall be, under his direction, to make an accurate and complete geological survey of the state, which shall be accompanied with proper maps and diagrams, and furnish a full and scientific description of its rocks, soils and minerals, and of its botanical and zoological productions, together with specimens of the same; which maps, diagrams and specimens shall be deposited in the state library; and similar specimens shall be deposited in such of the literary institutions in this state as the secretary of state shall direct.

Sec. 2. The sum of twenty-six thousand dollars is hereby appropriated annually for four years, to defray the expenses that may be incurred under this act; which sum shall be paid by the treasurer on the warrant of the comptroller, in such manner and at such times as the governor may direct.

Sec. 3. The person or persons employed by the governor for the purposes mentioned in the first section of this act, shall make a report annually to the legislature, on or before the first day of February in each year, setting forth generally the progress made in the survey hereby authorized.

CHAPTER 246, LAWS OF 1840.

AN ACT to continue the geological survey of the state.

Sec. 1. The governor is hereby authorized to continue the geological survey of the state, in the same manner in which it has hertofore been conducted, until the first Tuesday in January, one thousand eight hundred and forty-two; provided the expense shall not exceed the unexpended balance of moneys appropriated for the survey by the act, passed April 15, 1836.

CHAPTER 149, LAWS OF 1842.

An ACT relating to the Geological Survey of the state.

Sec. 1. The Governor is hereby authorized to continue, until the first Tuesday in January, one thousand eight hundred and forty-three, such of the various departments of labor connected with the geological survey of this state, as may be necessary to

ensure its ultimate completion and publication according to the plan heretofore contemplated.

Sec. 2. The sum of twenty-six thousand dollars is hereby appropriated, to pay any money now due for materials furnished or services rendered under the act passed May 8, 1840, entitled "An act to continue the geological survey of this state," and to defray such expenses as may be incurred under this act.

Sec. 3. The Secretary of State is hereby directed to secure a copy right of the geological survey for the benefit of this state.

Sec. 4. Whenever two or more volumes of the geological survey shall be published, the Governor and Secretary of State may cause such books to be sold, at such prices as they may deem expedient, and any moneys derived from such sales shall be applied to the same purposes as the appropriation made by the second section of this act.

Sec. 5. The geological survey, as fast as completed (except such volumes as may be sold according to the provisions of section four,) shall be distributed as follows: Two copies to the Governor, two copies to the Lieutenant-Governor, one copy to each surviving ex-Governor, and one copy to each surviving ex-Lieutenant-Governor; one copy to each member of the present Legislature, one copy to each of the geologists engaged in said survey, three copies to the state library, one copy to each county clerk's office in this State, one copy to each incorporated college in this State, and the remaining copies shall be deposited in the office of the Secretary of State, to be sold or disposed of in such manner as the legislature may hereafter direct.

Sec. 6. The concurrent resolution of the senate and assembly, passed May 26, 1841, in relation to the distribution of the said geological survey, is hereby repealed.

CHAPTER 85, LAWS OF 1843.

AN ACT in relation to the Natural History of New York.

Sec. 1. The governor is hereby authorized to continue such of the various departments of labor connected with the geological survey of this state, as may be necessary to ensure its ultimate

completion and publication according to the plan heretofore contemplated, and to contract with the printers to the assembly for the publication of the same, at prices advantageous to the state.

* * * * *

Sec. 3. The governor is hereby authorized to continue the services of one or both of the geologists who are now residing in Albany, for the purpose of completing and arranging the said collection of specimens in the old state hall, and doing any work connected therewith he may deem necessary.

* * * * *

CHAPTER 360, LAWS OF 1850.

AN ACT to provide for the completion of the Geological Survey of the state.

Sec. 1. The Secretary of State is hereby authorized and directed to take charge of all the matters appertaining to the prosecution and publication of the geological survey of the state.

Sec. 2. It shall be the duty of the secretary of state, and the secretary of the regents of the university, to examine into and report to the next legislature, upon all claims that may be made upon the state, for work done on account of the geological survey, and upon all contracts that may exist between the state and individuals for work yet to be done on account of the survey.

Sec. 3. It shall be the duty of the secretary of state and of the secretary of the regents of the university, to report to the next legislature a plan for the final completion of the said survey, and to submit the estimates of the cost of such completion.

CHAPTER 323, LAWS OF 1839.

AN ACT authorizing a survey of the several branches of the Hudson river.

Sec. 1. The canal board shall, within one year, procure a survey and estimate of the expense of a canal route along the main or middle branch of the Hudson river, from North creek, near the great tannery in Johnsburch, to the High falls at Corinth:

Also a survey and estimate of the expense of a canal route along the west or Sacandaga branch, from Murphy's mills in Northampton, to the said falls; thence by the most eligible route to the Erie or Champlain canal, with an estimate of the benefit to the state lands by opening such canal routes, and the income to be derived therefrom.

Sec. 2. The said surveys and estimates shall be reported to the legislature at their next session.

Sec. 3. The expenses of the said surveys and estimates shall be audited by the comptroller, and paid on his warrant by the treasurer.

CHAPTER 733, LAWS OF 1872.

AN ACT making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations.

* * * * *

Sec. 2. * * * For Verplanck Colvin, of Albany, New York, ten hundred dollars, to aid in completing a survey of the Adirondack wilderness of New York, and a map thereof; and he shall render to the Legislature, within thirty days after the opening of the next annual session thereof, a full report of his explorations and survey. * * *

CHAPTER 760, LAWS OF 1873.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

Sec. 1. * * * For Verplanck Colvin, to complete the topographical survey and exploration of the Adirondack wilderness, and to render available for mapping the work already done, four thousand two hundred and fifty dollars.

* * * * *

CHAPTER 323, LAWS OF 1874.

AN ACT making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.

Sec. 1. * * * For Verplanck Colvin, for services in the Adirondack survey during eighteen* and seventy-two and

* So in the original

eighteen hundred and seventy-three, the sum of five thousand dollars; to be in full of all services, to be paid on the first printing of map of the survey, and he shall personally superintend the drafting and printing of said map, which shall be accepted and approved by the Comptroller and State Engineer and Surveyor, before any part of such payment is made.

CHAPTER 541, LAWS OF 1875.

AN ACT to provide for the completion and publication of the map of the Adirondack survey.

Sec. 1. The Treasurer shall pay on the warrant of the Comptroller the sum of eighteen hundred dollars, or so much thereof as may be necessary, to Verplanck Colvin for expenses of Adirondack survey, for the assistants and draughtsmen employed in the preparation of the map of the wilderness, and for contingent expenses of office and field work. The engraving and publication of the said map shall proceed as the draughting is completed.

CHAPTER 193, LAWS OF 1876.

AN ACT making appropriations for certain expenses of government and supply deficiencies in former appropriations.

Sec. 1. * * * For Verplanck Colvin, to complete the topographical survey and exploration of the Adirondack wilderness, the sum of four thousand two hundred and fifty dollars.
* * * * *

CHAPTER 275, LAWS OF 1877.

AN ACT making appropriations for certain expenses of government and supply deficiencies in former appropriations.

Sec. 1. * * * For deficiency in appropriation to complete the topographical survey and exploration of the Adirondack wilderness, the sum of nine hundred and seventy-five dollars.
* * * * *

The sum of three thousand dollars, appropriated by chapter four hundred and twenty-four of the laws of eighteen hundred and seventy-five for the expenses of renewing and replacing State boundary monuments, is hereby reappropriated for the same purposes.

* * * * *

CHAPTER 370, LAWS OF 1878.

AN ACT limiting the time and expense of completing the Adirondack survey.

Sec. 1. The time for the completion of the topographical survey and exploration of the Adirondack wilderness region is hereby limited to six years from the passage of this act; and the topographical character of the work shall be completed in all respects throughout the area under survey.

Sec. 2. The annual appropriation for the purposes of the survey shall be ten thousand dollars; and the compensation of the superintendent thereof shall be paid out of this sum at the rate fixed by chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-four, and the said sum of ten thousand dollars is hereby appropriated, out of any funds in the treasury not otherwise appropriated, for the purpose of carrying out the provisions hereof for the year eighteen hundred and seventy-eight.

Sec. 3. A full report on the progress of the survey shall be annually presented, printed, to the legislature, within sixty days after the meeting thereof.

LAWS OF 1875.

CONCURRENT RESOLUTION providing for copies of the report on the topographical survey of the Adirondack wilderness for the Legislature of eighteen hundred and seventy-five.

Resolved (if the Senate concur), That there be printed, and bound in cloth, for the use of this Legislature, by the legislative printer, five thousand copies of the report on the topographical

survey of the Adirondack wilderness, sent to the Legislature of eighteen hundred and seventy-four, and the expense thereof not to exceed one dollar and fifty cents per copy, to be paid out of the appropriation for Legislative printing.

CHAPTER 499, LAWS OF 1883.

AN ACT to provide for the survey of detached portions of state lands, in the northeastern portion of New York and Adirondack wilderness, and making appropriation therefor.

Sec. 1. The superintendent of the Adirondack survey is hereby directed to make surveys showing the location and area of the detached portions of state lands in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence, and Warren, and to connect the same with the surveys of the interior, and to show upon a map or maps the position of such lands.

Sec. 2. The methods of survey shall be in accordance with those now in use on the Adirondack survey, and copies of all maps relating to such state lands shall be filed in the office of the Comptroller and State Engineer and Surveyor, and the said superintendent shall render a report to the Legislature of his proceedings and of the results of the work within sixty days after the meeting of the Legislature, and the sum of fifteen thousand dollars is hereby appropriated, payable by the State Treasurer, on the warrant of the Comptroller, out of any moneys not otherwise appropriated for the purposes of carrying out the provisions of this act; which said sum shall be accounted for to the Comptroller, with bills of items and vouchers therefor.

CHAPTER 449, LAWS OF 1887.

AN ACT to provide for the survey and location of certain disputed boundary lines of lands granted by the state in the first tier of lots on the north one-half of the Arthurboro patent in the county of Hamilton.

Sec. 1. The State Engineer and Surveyor is hereby authorized and directed to survey as soon as possible, the lands in the

first tier of lots on the north half of Arthurboro patent, in the county of Hamilton, and to run out the lines of said lots, so far as may be necessary, for the settlement and location of disputed boundaries as to said lots, and in order to determine the respective rights of the State, and purchasers from the State in the said lands.

Sec. 2. The Treasurer is hereby directed to pay, upon the warrant of the Comptroller, the necessary expenses of making said survey, and the sum of two hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury, not otherwise appropriated for carrying out the provisions of this act.

CHAPTER 330, LAWS OF 1886.

The sum of six thousand dollars, appropriated by chapter three hundred and thirty-six of the laws of eighteen hundred and eighty-one, "to construct reservoirs upon the Independence and Beaver rivers, in Lewis county;" the balance remaining unexpended of the sum of six thousand dollars, appropriated for the same purpose, by chapter three hundred and sixty-two of the laws of eighteen hundred and eighty-two, being the sum of five thousand eight hundred and four dollars and seventy-three cents, and the balance remaining unexpended of the sum of six thousand dollars, appropriated for the same purpose by chapter five hundred and fifty-one of the laws of eighteen hundred and eighty-four, being the sum of two thousand three dollars and thirty cents, are hereby reappropriated, and the further sum of one thousand dollars is hereby appropriated for the same purpose and for the completion of the reservoirs upon Independence and Beaver rivers, the work to be done under the direction of the superintendent of public works, upon plans prepared, or to be prepared by the State Engineer and Surveyor.

For the Comptroller, to pay the expenses of serving notices on occupants or despoilers of lands now owned by the State, or bid in therefor at the Comptroller's tax sales; of protecting the

State's title to such lands, by discharging them from the taxes due thereon, or of bidding them in at, or redeeming them from, county treasurer's tax sale; of preparing and recording deeds and certificates protecting the State's title to such land; of definitely locating, appraising and examining them as may be required; of protecting them from trespassers or despoilers, and prosecuting all such offenders, and generally of guarding, preserving the value of and protecting such lands, the sum of five thousand dollars, or so much thereof as may be necessary.

For necessary repairs of the State road from the east line of the town of Forestport, Oneida county, to Woodhull dam in Herkimer county, five hundred dollars, to be expended under the direction of the superintendent of public works, upon vouchers to be approved by the Comptroller.

PRIVATE PRESERVES.

CHAPTER 288, LAWS OF 1864.

AN ACT to prevent the taking of fish from private or artificial ponds.

Sec. 1. Any person who shall enter upon any lands for the purpose of taking fish from any private or artificial pond, or who shall take any fish from any such pond, without the consent of the owner thereof, shall, in addition to any damage recoverable by law for trespass, be liable to the owner, lessee or occupant of such land for the value of such fish so taken, and the penalty of twenty-five dollars for each offence; provided such owner, lessee or occupant shall have placed in a conspicuous locality near said pond a written, printed, or painted notice, stating that such pond is a private one, and notifying all persons that he will hold them responsible for taking any fish therefrom.

Sec. 2. Suits under this act shall be prosecuted before the officers and in the manner prescribed by section twenty-one, of chapter four hundred and seventy-four, of the laws of eighteen hundred and sixty-two, entitled "An act for the preservation of moose, wild deer, birds and fresh water fish."

CHAPTER 831, LAWS OF 1871.

AN ACT for the protection of private parks and grounds, and to encourage the propagation of fish and game.

Sec. 1. Any owner, lessee or occupant of lands desiring to lay out or devote the same for the purposes of a private park or grounds or the propagating of fish or game, shall publish at least once a week for three months, in a paper of general circulation, printed in the county or counties within which such lands are situated, a notice describing the same, and that they will be used for a private park.

Sec. 2. It shall be the duty of such owner, lessee or occupant, within six months after the final publication of said notice, to post or put up notices or signboards warning all persons against trespassing upon such private park or grounds, which notices shall not be less than a foot square, and placed not more than forty rods apart along the entire boundary of said lands, but when the said lands shall be enclosed by fences not less than six feet high, then said notices or signboards shall be placed not more than one-half a mile apart.

Sec. 3. Any person who shall cut, break or destroy any fence or enclosure, or any tree, branch, shrub or underwood, or shall put on said grounds, or in the waters thereon, any poisonous or other deleterious substance, or who shall trespass upon said park or grounds, shall, in addition to treble damages to be recovered in a civil action to be brought by said owner, lessee or occupant, be proceeded against under the provisions of article one, title three, chapter two of the fourth part of the Revised Statutes.

Sec. 4. Any person who shall willfully and maliciously deface or destroy any sign or notice posted or put up as aforesaid, or who shall place any object against or near such fence or enclosure, so that dogs or other animals can gain access or get into said parks or grounds, or so that animals kept therein can escape therefrom, or who shall put or take into said park or grounds any dog or other destructive animal, or who shall kill or attempt to kill, destroy or attempt to destroy any game or fish

without first obtaining permission of such owner, lessee or occupant, shall, in addition to treble damages to be recovered in a civil action to be brought by said owner, lessee or occupant, be liable to a penalty not exceeding twenty-five dollars, or imprisonment in the county jail not exceeding thirty days, or both.

Sec. 5. One-half of any penalty recovered under sections three and four of this act shall go to the superintendent of the poor of the county wherein the offense shall be committed, and the other half shall go to the informer, except when such informer is in the employ of the owner, lessee or occupant aforesaid, in which case the whole of the said penalty shall be paid to the said superintendent of the poor.

Sec. 6. Upon complaint made on oath to any justice of the peace in the county wherein such land or any part thereof is situated, that any person has committed any of the offenses specified in the fourth section of this act, such justice shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before him for examination.

Sec. 7. If such justice be satisfied by the confession of the offender or by other competent testimony that such person has committed any of the offenses referred to in sections three and four of this act, he shall make up and sign a record of conviction thereof, which shall be filed in the office of the clerk of the county, and shall fine such offender in a penalty not exceeding twenty-five dollars, or by warrant under his hand, commit such offender to the county jail not exceeding thirty days, there to remain until such fine be paid, or such offender be discharged according to law.

Sec. 8. Any person who shall be convicted of a second or any subsequent offense may, in addition to the penalty provided therefor, be imprisoned in the county jail for a period of not more than one year.

Sec. 9. No conviction or sentence shall be had under the provisions of this act without trial by jury of the party arrested, if requested, according to the law in cases of trial for other misdemeanors.

CHAPTER 347, LAWS OF 1876.

AN ACT to amend chapter eight hundred and thirty-one of the laws of eighteen hundred and seventy-one, entitled "An act for the protection of private parks and grounds, and to encourage the propagation of fish and game."

Sec. 3. Any person who shall cut, break or destroy any fence or enclosure, or any tree, branch, shrub or underwood, or shall put on said grounds, or in the waters thereon, any poisonous or other deleterious substance, or who shall trespass upon said park or grounds, shall, in addition to treble damages to be recovered in a civil action brought by said owner, lessee or occupant, be guilty of a misdemeanor.

Sec. 2. The fourth section of said act is hereby amended so as to read as follows:

Sec. 4. Any person who shall willfully and maliciously deface or destroy any sign or notice posted or put up as aforesaid, or who shall place any object against or near such fence or enclosure, so that dogs or other animals can gain access or get into said park or grounds, or so that animals kept therein can escape therefrom, or who shall put or take into said park or grounds any dog or other destructive animal, or who shall, without first obtaining permission of such owner, occupant or lessee, shoot, fish or hunt, or attempt to shoot, fish or hunt, upon said grounds or in the waters thereon, or who shall be found therein or thereon, with any line, hook, rod, reel, pole, net, gun, or any implement, weapon, tool or engine with the intention of killing or taking any fish or game, shall be guilty of a misdemeanor, and shall also be liable to a penalty of two dollars for each fish, and an additional fine of five dollars for each and every pound of fish so killed, caught or taken, in addition to treble damages, to be recovered in a civil action, with costs, to be brought by said owner, lessee or occupant.

Sec. 3. The sixth section of said act is hereby amended so as to read as follows:

Sec. 6. Upon complaint made on oath to any justice of the peace or other magistrate in the county wherein such land or

any part thereof is situated, that any person has committed any of the offenses specified in the third or fourth sections of this act, such justice or magistrate shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before him for examination. But any person found in or on such land or waters thereon, after sunset and before sunrise, committing any of the offenses specified in sections third and fourth of this act, may be arrested without warrant and brought before such justice or magistrate for examination by such owner, occupant or lessee, or by any person or persons in his or her employ having charge or care of such grounds or waters, or any part thereof.

Sec. 4. The ninth section of said act is hereby amended so to read as follows:

Sec. 9. No conviction or sentence shall be had, under the provisions of this act, without trial by jury of the party arrested, if demanded, according to the law in cases of trial for other misdemeanors. All fines, penalties and damages imposed under the provisions of this act may be recovered with costs of suit by the owner, occupant or lessee of the land in his, her or their own means, by an action in the Supreme Court, or any court of competent jurisdiction of this State, which action shall be governed by the same rules as other actions in said Supreme Court or other court of record. On the non-payment of any judgment recovered in pursuance hereof, the defendant shall be committed to the common jail of the county in which such action shall be brought, for the period which shall be computed at the rate, one day for each dollar of the amount of judgment, not to exceed thirty days.

CHAPTER 411, LAWS OF 1877.

AN ACT to further amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish."

* * * * *

Sec. 16. Any person who shall knowingly trespass upon lands for the purpose of shooting, hunting or fishing thereon, after

public notice has been given by the owner or occupant thereof, as provided in the following section, shall be liable to such owner or occupant, in exemplary damages, to an amount not exceeding twenty-five dollars, and shall also be liable to such owner or occupant for the value of the game killed or taken. The possession of implement of shooting or fishing shall be presumptive evidence of the purpose of the trespass.

Sec. 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign boards, at least one foot square, upon every one hundred acres of land upon the lot lines thereof, in at least two conspicuous places on the premises, such notices to have appended thereto the name of the owner or occupant, and any person who shall tear down or in any way deface or injure any such sign board, shall be liable to a penalty of twenty-five dollars.

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CHAPTER 534, LAWS OF 1879.

AN AOT for the preservation of Moose, wild deer, birds, fish, and other game.

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Sec. 27. Any owner or lessee of lands desiring to lay out or devote the same for the purposes of a private park, or grounds for propagating or protecting fish, birds, or game, shall publish, at least once a week for three months, in a paper of general circulation, printed in the county or counties within which such lands are situated, a notice describing the same, and that they will be used for such purposes; and it shall be the duty of such owner or lessee, within six months after the final publication of said notice, to post or put up notices or sign-boards warning all persons against trespassing upon such private grounds, which notices shall not be less than a foot square, and placed not more than forty rods apart along the entire boundary of said grounds; but when said lands shall be inclosed by fences not less than six feet high, then such notices or sign-boards shall be placed not more than one-half mile apart.

Sec. 28. After such grounds are inclosed in such manner as to render such fish or game private property, no person shall catch or take from or kill any fish, birds, or game in or upon said grounds, or the waters thereon, or put on such grounds, or in any such waters, any poisonous or other deleterious substance, or piscivorous fish, or let off the waters from said grounds, with intent to take fish, or to destroy the fish or eggs placed in such waters, or deface or destroy any sign or notice posted or put up as aforesaid; or place any object against or near such fence or inclosure, with intent to aid dogs or other animals to get into said grounds, or to enable animals kept therein to escape therefrom, or enter upon any such ground with the implements or weapons for catching, taking, or killing fish, birds, or game, with the intention of catching, taking, or killing any fish, birds, or game thereon. Any person found guilty of any offense against this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to the owner or lessee in addition to the actual damages incurred, in exemplary damages to the amount of twenty-five dollars.

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CHAPTER 430, LAWS OF 1881.

AN ACT to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game."

* * * * *

Sec. 25. No person, association, company or corporation shall throw on deposit or permit to be thrown or deposited any dye-stuff, coal tar, refuse from gas-houses, saw dust, lime or other deleterious substance, or cause the same to run or flow into or upon any of the rivers, lakes, ponds, streams, or any of the bays or inlets adjoining the Atlantic ocean within the limits of this State. Any person who shall violate this section, or any member of any such company, association or corporation who shall authorize and direct any such violation shall be guilty of a misdemeanor and in addition thereto shall be liable to a penalty of fifty dollars for each offense.

* * * * *

CHAPTER 243, LAWS OF 1885.

AN ACT to amend an act entitled "An act for the preservation of moose, wild deer, birds, fish, and other game," being chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine.

Sec. 16. Any person who shall knowingly trespass upon inclosed or cultivated lands, for the purpose of shooting or hunting any game protected by this act, or shall take any fish from private ponds or private streams not stocked in whole or in part by the state, or after public notice has been given by the owner or occupant thereof, or persons, associations, or corporations hiring or leasing the exclusive right to shoot or hunt thereon or fish therein from the owner or occupant, as is provided in the following section, shall be liable to such owner or occupant, "or person, association, or corporation," in addition to the actual damages sustained, exemplary damages to an amount not exceeding twenty-five nor less than fifteen dollars.

Sec. 2. Section seventeen of said act is hereby amended so as to read as follows:

Sec. 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign-boards, at least one foot square, upon at least every fifty acres of land upon or near the lot lines thereof, or upon or near the shores or banks of any lake, stream or pond, in at least two conspicuous places or premises, or by the personal service upon any person of a written or printed notice containing a brief description of the premises, the name of the owner or person in possession thereof, and such notice to have appended thereto the name of the owner or occupant, or person, association or corporation having the exclusive right to shoot or hunt thereon or fish therein. Any person who shall tear down or in any way deface or injure any such sign-board shall be guilty of a misdemeanor and in addition thereto, shall be liable to a penalty of twenty-five dollars.

Sec. 3. Nothing in this act contained shall be construed as authorizing the leasing of any of the lands or waters belonging

to the State, to any person, association or corporation for a fish or game preserve, except for fish-hatching purposes.

CHAPTER 623, LAWS OF 1887.

AN ACT to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of Moose, wild deer, birds, fish and other game."

Sec. 27. Any owner or owners or lessee or lessees of lands or lands and water, whether such owner or owners, lessee or lessees be individual or individuals, association or associations, society or societies, corporation or corporations, or any person, association or corporation having the exclusive right to shoot or hunt thereon or fish therein, desiring to lay out, devote or dedicate such lands or lands and water for the purpose of a private park or territory for propagating or protecting fish, birds or game, shall publish at least once a week for three months in a paper of general circulation printed in the county or counties within which such lands or lands and water are situated, a notice substantially describing the same, or containing a diagram showing substantially the location of said lands or lands and waters. And there shall be inserted in said notice so published, a clause declaring that such lands or lands and water will be used as a private park for the purpose of propagating and protecting fish, birds and game; and it shall be the duty of such owner or owners, lessee or lessees, or person, association or corporation having such exclusive right to shoot or fish at anytime during the publication of said notice, or within six months after the final publication thereof, to post or put up notices or signboards warning all persons against trespassing upon such private territory, which notices or sign boards shall not be less than one foot square, and placed not more than forty rods apart along the entire boundary of said private park or territory, when the same shall consist entirely of land, and when said private park or territory shall consist of both land and water, the notices afore-

said shall be placed in conspicuous places upon said territory so there shall be at least one notice or sign board so placed or erected for every one hundred acres of said territory. And when the property to be protected shall consist of a lake or pond only, said notices shall be placed in at least four conspicuous places upon the shore of such lake or pond. But when said territory or any part thereof, shall be inclosed by a fence or fences of reasonable capacity for protection of said premises, then notices or sign boards of the dimensions aforesaid shall be placed on said fence or fences not more than one-half mile apart. After any such territory shall be dedicated and designated as aforesaid, all fish, birds and game, of, in or upon said territory, shall be the property of the owner or owners, lessee or lessees thereof, or of the person association or corporation having the exclusive right to shoot, hunt or fish thereon.

Sec. 2. Section twenty-eight of the said act is hereby amended to read as follows:

Sec. 28. After any such territory shall have been dedicated and designated as a private park in such manner as to render such fish or game private property, no person shall catch or take from or kill any fish, birds or game in or upon said grounds or the waters thereon, or put on such grounds or in any such waters, any poisonous or other deleterious substance, or piscivorous fish, or let off the waters from said grounds, with intent to take fish, or to destroy the fish or eggs placed in such waters, or deface or destroy any sign or notice posted or put up as aforesaid, or place any object against or near such fence or inclosure, with the intent to aid dogs or other animals to get into said grounds or to enable animals kept therein to escape therefrom, or enter upon any such ground with the implements or weapons for catching, taking or killing fish, birds or game, with the intention of catching, taking or killing any fish, birds or game thereon, except that the person, association or corporation having the exclusive right to shoot, hunt or fish thereon, or any person possessing a written permit from such person, associa-

tion or corporation, shall have the right to shoot or hunt on said lands and fish in said waters, and to enter upon said lands with dogs and kill and take birds or game and catch and take fish therefrom. Any person found guilty of any offense against this section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable to the owner or lessee or to the person, association or corporation having the exclusive right to shoot, hunt or fish thereon, in addition to the actual damages incurred, in exemplary damages to the amount of twenty-five dollars.

CHAPTER 497, LAWS OF 1889.

AN ACT to amend section six hundred and forty of the Penal Code, relating to fish stealing.

Sec. 1. Section six hundred and forty of the Penal Code is hereby amended by inserting immediately after the eleventh subdivision thereof a new subdivision as follows:

12. Takes or attempts to take, without the consent of the owner of any lake or pond, any fish from the waters thereof, provided such lake or pond is so situated that fish cannot pass thereinto from the waters of any other lake, pond or stream, either public or owned by other persons; or, without the consent of the owner of any such lake or pond, places therein any pisciverous fish or any poison or other substance injurious to the health of fish, or lets the waters out of any such lake or pond, with intent to take fish therefrom or to harm fish therein.

FISH HATCHERIES.

CHAPTER 320, LAWS OF 1884.

AN ACT to establish a fish hatchery in the Adirondack forest.

Sec. 1. The commissioners of fisheries are hereby authorized and directed, as soon as possible after the passage of this act to erect a fish-hatching establishment at some convenient point in the Adirondack forest, to be selected by said commissioners, for the purpose of restocking the lakes and streams of said

forest with trout and other fish natural to that locality, and stocking such other streams as the commissioners may deem necessary.

Sec. 2. The treasurer shall pay to the commissioners of fisheries, upon the warrant of the comptroller, the sum of five thousand dollars, or so much thereof as may be necessary, which sum is hereby appropriated for the purposes of this act.

CHAPTER 85, LAWS OF 1885.

AN ACTS to grant the use of certain state lands for the purposes of the Adirondack fish hatchery.

Sec. 1. The land belonging to this state, known as lots number four, five and six, in township twenty of great lot number one, Macomb's purchase, in the county of Franklin, on which has been located, pursuant to chapter three hundred and twenty of the laws of eighteen hundred and eighty-four, the Adirondack fish hatchery, are hereby appropriated to the use of such hatchery; but no standing timber shall be cut on such lots except as shall be needed for building purposes and for fire-wood for such hatchery.

Sec. 2. The lands mentioned in the first section of this act shall be in the care of the commissioners of fisheries, and no person shall be permitted to fish in the waters of Little Clear Pond, nor in its outlet, nor in any other waters on such lands, nor to enter on the same for the purposes of fishing without the consent or by the direction of the commissioners solely as reservoirs for breeding fish, and nurseries for young fish, and for experimental purposes in the business of fish culture.

Sec. 3. Whoever shall violate any of the provisions of the second section of this act shall forfeit a penalty of fifty dollars for each offense, to be sued for and recovered with costs of suit, by the said commissioners, in any court of competent jurisdiction in the county of Franklin, and the penalties recovered shall be paid into the state treasury.

CHAPTER 293, LAWS OF 1887.

AN ACT to establish a fish hatchery in the Adirondack wilderness!

Sec. 1. The Commissioners of Fisheries are hereby authorized and directed, as soon as possible after the passage of this act, to erect a fish hatching establishment at Mill Creek, an inlet of Round lake, Hamilton county, for the purpose of restocking the lakes and streams of said forest with trout and other fish, natural to that locality, and stocking such other streams as the commissioners may deem necessary.

Sec. 2. The Treasurer shall pay to the Commissioners of Fisheries, upon the warrant of the Comptroller, the sum of five thousand dollars, or so much thereof as shall be necessary, which sum is hereby appropriated for the purposes of this act.

CHAPTER 445, LAWS OF 1888.

AN ACT to set apart certain lands belonging to the State in the county of Hamilton, for the purposes of the Mill creek fish hatchery.

Sec. 1. The following described lands belonging to the State of New York and situated in Township number two, Totten and Crossfield's Purchase, in the town of Lake Pleasant, Hamilton county, as laid down in map number two hundred and ninety-four (new number), on file in the office of the Comptroller, are hereby appropriated and set apart for the purposes of the Mill-creek hatchery; established in pursuance of chapter two hundred and ninety-three of the laws of eighteen hundred and eighty-seven, viz.:

Whole lots numbers thirty-three, forty-four, fifty-three, fifty-five, sixty-six, seventy-seven, twenty-nine, forty and forty-one; part of lot number thirty-two, embracing all of such lot except one hundred acres on the southerly side, twenty-six chains and thirty-two links wide on the west side and twenty-six chains and thirty links on the east side of said lot number thirty-two.

Sec. 2. No standing timber shall be cut on any of the lands

described in the preceding section except such as shall be needed for building purposes, fire-wood and fencing lumber for such hatchery.

Sec. 3. No person shall take at any time and by any means whatever any trout from any of the waters on such lands, nor enter upon the said lands for the purpose of fishing, nor take anywhere from Mill creek or any of its tributaries, any trout except by permission of the Commissioners of Fisheries, for the uses of the said hatchway.*

Sec. 4. Any person offending against any of the provisions of this act shall be liable to a penalty of fifty dollars for each offense and the costs of suit, to be sued for and recovered in the name of the Commissioners of Fisheries, in any court of competent jurisdiction in either the county of Hamilton or Fulton, and all penalties recovered in such suits shall be paid into the treasury of the State.

LAKE GEORGE.

CHAPTER 297, LAWS OF 1876.

AN ACT to prohibit the disposal of any part of the public lands on Lake George or the islands thereof.

Section 1. No grant or lease of any of the islands in Lake George or of any land on any of said islands shall be made by the commissioners of the land office or by any board or officer of the State, until the further direction of the legislature, and any such grant or lease hereafter made without such express direction of the legislature shall be null and void.

CHAPTER 479, LAWS OF 1880.

AN ACT for the better preservation of trees and shrubbery on the islands in Lake George.

Sec. 1. Any person who shall willfully remove, hack, hew, cut, deface or otherwise injure any tree, shrub or brush now standing or growing on any of the islands in Lake George belonging to the State, or hereafter shall erect any building thereon (except

* So in original.

by consent of the board of commissioners of the land office, in writing) shall be deemed guilty of misdemeanor; and on conviction thereof, shall pay a fine of not less than one dollars, and not exceeding the sum of twenty dollars for each tree, shrub or bush so removed, hacked, hewed, cut, defaced, or otherwise injured, and shall also pay a fine of not less than five dollars for each day that said building is allowed to remain after such conviction. In case when conviction is had for erecting any building the court shall direct the removal of said building within five days, and if the same is not removed, the person so convicted shall pay a fine of five dollars for each day said building remains after said conviction.

Sec. 2. Upon complaint being duly made of any violation of the provisions of the first section of this act, before any justice of the peace in any county bordering on Lake George, it shall be the duty of such justice of the peace to forthwith issue his warrant to any deputy sheriff, constable or game constable within his county, to apprehend and bring such offender before such justice of the peace.

Sec. 3. Upon such offender being brought before such justice of the peace, such proceedings shall be had as now authorized by law in cases of misdemeanor, and on conviction thereof, the person or persons so convicted, shall pay a fine of not less than one dollar, and not exceeding the sum of twenty dollars for each tree, shrub or bush so removed, hacked, hewed, cut, defaced or otherwise injured, and in default of the payment thereof, including the costs of such conviction, shall be committed to the county jail for such number of days as shall equal the number of dollars of such amount of fine and costs.

Sec. 4. One-half of so much of such fine as shall be collected in pursuance of this act shall be paid to the informer of such misdemeanor.

CHAPTER 314, LAWS OF 1888.

AN ACT to amend "An act to protect the waters of Lake George and Schroon lake in this State."

Sec. 1. It shall not be lawful for any person or persons to drain, deposit or cast any dead animal, carrion, offal, excrement,

garbage, or other putrid or offensive matter in the water of Lake George and Schroon lake in this State, or to moor or store logs or rafts in any bay or inlet to said lakes, provided that nothing herein shall be construed to apply to the usual waste or drainage from factories, or to prevent the storage of logs or rafts by adjacent owners in front of their own uplands, or to prevent the rafting or floating of logs through Schroon lake in the usual manner, and permission is hereby given for the erection of booms, prior to the twentieth day of June in each and every year, to secure and prevent the separation of logs in said lake, for such time as required to float them through the outlet, in such manner as not to interfere with its navigation by any person, persons or company employing steamboats for carrying freight and passengers.

Sec. 2. Whoever shall violate any of the provisions of this act shall forfeit the sum of one hundred dollars for each offense.

Sec. 3. Any person may in his own name, or in the name of himself and the overseers of the poor of the town in which the offense is committed, prosecute and recover the penalty prescribed in the next preceding section for himself and the said overseers of the poor of said town, and on a recovery, shall be entitled to retain one-half of said penalty, and the other half, after deducting one-half the expenses of the prosecution, shall be paid to the overseers of the poor of said town for the support of the poor thereof.

CHAPTER 541, LAWS OF 1884.

AN ACT providing for the appointment of commissioners to inquire into the practicability of storing the head waters of the Hudson river.

Section 1. The governor shall appoint, within ten days after the passage of this act, three citizens of the State, who shall constitute a commission to inquire into and report to the next legislature upon the practicability and method of storing the head waters of the Hudson river for the purpose of feeding the

Champlain canal, preventing the formation of sand bars, and giving a more uniform depth of water in the lower Hudson.

Sec. 2. The commissioners appointed under the first section of this act shall receive for their services five hundred dollars each and their expenses actually incurred in traveling, which amounts shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

CHAPTER 270, LAWS OF 1888.

* * * * *

For the comptroller, to pay the expenses of serving notices on occupants or despoilers of lands now owned by the State or bid in therefor at the Comptroller's tax sales, of protecting the State's title to such lands by discharging them from the taxes due thereon, or bidding them in at, or redeeming them from county treasurers' tax sales; of preparing and recording deeds and certificates protecting the State's title to such lands; of definitely locating, appraising and examining them as may be required; of protecting them from trespassers or despoilers, and prosecuting all such offenders, and generally of guarding, preserving the value of, and protecting such lands, seven thousand dollars, or so much thereof as may be necessary.

* * * * *

For the Superintendent of Public Works, for removing obstructions and otherwise improving the navigation of the south branch of Grass river, two thousand dollars, for the middle branch of Grass river, twenty-five hundred dollars, and for the main branch below Buck's bridge, fifteen hundred dollars.

* * * * *

For the Superintendent of Public Works, for the purpose of removing obstructions and otherwise improving Racket river, and its tributaries, near its junction with Trout brook, and facilitating the passage therein of logs and timber, one thousand dollars.

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CHAPTER 302, LAWS OF 1891.

* * * * *

For the comptroller, to pay the expenses of serving notices on occupants or despoilers of lands now owned by the state or bid in therefor at the comptroller's tax sales; of protecting the state's title to such lands by discharging them from the taxes due thereon, or bidding them in at, or redeeming them from county treasurers' tax sales; of preparing and recording deeds and certificates protecting the state's title to such lands; of definitely locating, appraising and examining them as may be required; of protecting them from trespassers or despoilers, and prosecuting all such offenders, and generally of guarding, preserving the value of, and protecting such lands, seven thousand dollars, or so much thereof as may be necessary.

* * * * *

The forest commission is hereby authorized, out of any unexpended balances of appropriations heretofore made for the prosecution of its work, to pay the expenses incurred by it by reason of the inquiry directed by the resolution of the assembly, passed January twenty-first, eighteen hundred and ninety-one.

* * * * *

CORPORATIONS.

CHAPTER 158, LAWS OF 1839.

AN ACT to incorporate the Adirondack Iron and Steel Company.

Section 1. Archibald McIntyre, David Henderson and Archibald Robertson, and such other persons as may be associated with them, all hereby declared and constituted a body corporate, by the name of "The Adirondack Iron and Steel Company," for the purpose of making from ore, in the town of Newcomb, in the county of Essex, bar-iron, anchors, mill-irons, chains, steel, sheet-iron, nail-rods, hoop-iron, nails, spikes, bolts and ironmongry.

Sec. 2. The capital stock of the said corporation shall be one million of dollars, which shall be divided into shares of one hundred dollars each; and it shall be lawful for the said corporation, when the whole capital stock shall be subscribed and one hundred thousand dollars shall be actually paid in, to com-

mence said business, and with that capital to carry on the operations of said corporation until they may find it convenient to extend their capital, which they are authorized to do from time to time to the amount hereinbefore stated.

Sec. 3. Subscriptions to the capital stock of said corporation, shall be opened under the direction of the directors hereinafter named; and it shall be the duty of the directors for the time being, to call for and demand of the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they, the said directors shall see fit, under the penalty of forfeiture of their shares, and all previous payments made thereon to the said corporation; always giving thirty day's notice, by their clerk or agent, in writing, to each stockholder of such call or demand, or by publishing such notice for thirty days in one of the newspapers printed in the said county of Essex, and in the paper printed by the printer to this state.

Sec. 4. The stocks, property and concerns of the said corporation shall be managed by five directors, one of whom shall be president, who shall hold their offices for one year, and until others shall be chosen in their places; and the first directors shall be Archibald McIntyre, David Henderson, Archibald Robertson, Peter McMartin and Luke Hemenway; and the directors hereafter to be chosen shall be elected on the last Tuesday of July in each year, at such place as a majority of the directors then being may appoint; and it shall be the duty of said directors to give to the stockholders, previous to every election, thirty day's notice in writing, by their clerk or agent, of the time and place of such election, or by publishing such notice for thirty days in one of the newspapers printed in said county, and in one of the newspapers printed in the city of New York; and such election shall be made by the stockholders, who may attend in person for that purpose or by proxy; and all elections shall be by ballot, each share being entitled to one vote; and the five persons who shall have the greatest number of votes shall be directors; and if any vacancy shall happen in the board of directors, such vacancy

may be filled by the residue of the directors for the remainder of the year.

Sec. 5. The stock of said corporation shall be deemed personal property, and assignable and transferable upon the books of said corporation; but no stockholders indebted to the corporation shall be permitted to receive a dividend until such debt is paid.

Sec. 6. The corporation hereby created shall continue twenty-five years; and shall possess the general powers, and be subject to the liabilities and restrictions contained in the eighteenth chapter of the first part of the Revised Statutes.

Sec. 7. The total amount of debt which the said corporation may at any time owe, shall not exceed once and a half the amount of its capital stock actually paid in; and for any excess, its directors shall be subject to the liabilities prescribed in the third section of title four, of chapter eighteen of the first part of the Revised Statutes.

Sec. 8. The legislature may at any time alter, amend or repeal this act.

CHAPTER 333, LAWS OF 1850.

AN ACT to authorize the Adirondack Iron and Steel Company to take the conveyance of certain real estate towards its capital stock, and to authorize the interest of the infant owners therein to be sold and paid for in stock in such company secured by mortgages upon the shares so sold.

Sec. 1. Whenever Archibald McIntyre, Archibald Robertson, Andrew E. Brown and others shall be regularly and legally organized as an association or manufacturing company under an act passed by the legislature of this state, on the 17th day of February 1848, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," for the purpose of manufacturing iron and steel, to be located in Newcom, Essex county; such company may take the conveyance of any real estate situated in the counties of Essex and Hamilton, now belonging to Archibald McIntyre

and Archibald Robertson and Margaret Henderson, Archibald McL Henderson and Ann Eliza Henderson, infants held by them in common in said counties, upon a part of which are situated the ore beds and iron works known as the Adirondack iron works, from the respective owners thereof; and the real estate so conveyed may be received by such company in lieu of cash towards the capital stock of such company for such an amount as the said associates are willing to allow for the same, not exceeding the sum of five hundred thousand dollars, and such conveyance shall be considered as capital stock to the amount so allowed, the same as if such amount was paid in money.

Sec. 2. Such persons as may be appointed guardians of Margaret Henderson, Archibald McL Henderson and Ann Eliza Henderson, infants, and authorized to lease or to sell and convey all the interest of the said infants, of, in and to said real estate or any part thereof, upon application to the supreme court pursuant to the provisions of the Revised Statutes, may, if they shall deem it expedient so to do, receive for payment of the consideration for the sale and conveyance of such interest, stock in the said company to the amount of the consideration money for the share of the infants in the said real estate so sold, and such conveyance by said guardians shall be a full and absolute conveyance of all the interest of said infants in said real estate, and shall vest the same in the vendees thereof fully and absolutely.

Sec. 3. If the said guardians shall receive for the consideration of the whole or any part of such sale and conveyance, stock in the said company, they shall receive as collateral security to such stock for said infants mortgages upon the share of said infants so conveyed to the amount of the stock so received, which mortgages shall be made payable within one year after such infant shall or would if living, have attained the age of twenty-one years; and said company are hereby authorized, notwithstanding any provision of the general law under which it is incorporated, to make and execute mortgages, effectual for the purposes aforesaid.

CHAPTER 223, LAWS OF 1865.

AN ACT to incorporate the American Forest Tree Propagation and Land Company.

Sec. 1. Thompson C. Maxwell, Joshua I. Maxwell, Frederick Starr, Jr., George H. Starr, John H. Daniels, Charles G. Judd, H. Edward Hooker, Alvah K. Pratt, Henry A. Nelson, Francis O. Mason and Edward A. Wood and others, their associates, are hereby constituted a corporation by and under the name and style of "The American Forest Tree Propagation and Land Company."

Sec. 2. The objects and purposes of the above-named company shall be the acquiring of lands in the States and Territories of the United States, improving the same, and thereon and elsewhere propagating, cultivating and growing forest and other trees, plants and shrubs, and the vending of such trees, plants and shrubs, and transferring and transplanting the same into and on other lands within such states and territories.

Sec. 3. For the purpose of carrying into effect the objects and purposes above-mentioned, said company may acquire by gift, grant or sale, and hold, use and occupy all such personal and real estate, lands and tenements, as they may deem requisite thereto, and to sell, assign and convey, or otherwise dispose of the same, or any part thereof, provided said company shall not at any time hold real property in this State to an amount exceeding one hundred thousand dollars. The said company shall also have power and authority to enter into and make any and all such arrangements, contracts, deeds and obligations, as may be requisite or proper in the prosecution of the business of the said company, and to do, or cause to be done, any and every lawful act or thing appropriate, as relating to the accomplishment of the objects and purposes herein contemplated and intended.

Sec. 4. The capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same from time to time, as said company may deem requisite to the proper prosecution of its business to any amount not exceeding three millions of dollars. Said stock shall be divided into shares of

fifty dollars each, and such shares shall be represented by proper certificates or scrip, and shall be deemed personal property, transferable by assignment, or otherwise, as may be provided for in the by-laws of said company.

Sec. 5. The business, property and affairs of said company shall be controlled and managed by a board of seven directors, each of whom shall be the owner, and holder in his own right, of at least thirty shares of the stock of said company; and a majority of whom, including the president or a vice president, shall constitute a quorum for the transaction of business. Such directors shall be elected by the stockholders, at such times and under such regulations as shall be prescribed in the by-laws of said company; each stockholder being entitled, at every election of directors, to one vote, either in person or by proxy, for each share of stock held by him. And the said directors shall hold their offices for one year, and until others shall have been chosen in their stead, provided, however, that in case of a vacancy occurring in the office of any director, otherwise than by the expiration of his term of office, the board of directors may fill the same until the next ensuing annual election of directors, and provided, also, that the first board of such directors shall be chosen as hereinafter provided.

Sec. 6. The said board of directors shall have power to direct, control and manage the property, business and affairs of said company, and for that purpose shall have full power and authority to do and execute, and may do and execute, all and every act, deed or thing which may be done or executed within the intent and meaning of this act, and fully to effect the purposes of and carry out the same.

Sec. 7. It shall be the duty of the said board of directors to make all requisite by-laws, rules and regulations to govern their own proceedings and for conducting the business and affairs of the company, for the safe keeping and proper disposal of its property and effects, and for the just distribution among the stockholders, from time to time, of all moneys and other proceeds therefrom resulting. They may elect from their own body a president, a vice president, a secretary and a treasurer, and may prescribe

their respective duties and compensations. They may also appoint, and at their discretion remove, agents and employees of the company, prescribe their duties and fix their compensations. They shall also prescribe the manner and times of payment of the subscriptions to the capital stock of said company, and may enforce the same by action or otherwise, at their discretion.

Sec. 8. The persons hereinbefore named, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, and whenever the whole amount of said capital stock of twenty-five thousand dollars shall have been subscribed, and ten per cent. thereon in cash paid to said commissioners for said company, they shall distribute said stock among the subscribers thereto as they shall deem just, and issue certificates therefor to such subscribers accordingly, and thereupon the said commissioners shall call a meeting of such stockholders, at such time and place as they may see fit to appoint, and upon such a notice as they may deem adequate and proper, for the purpose of electing the first board of directors, and for the transaction of such other preliminary proceedings as may be requisite to the proper organization of said company.

Sec. 9. Each stockholder shall be individually liable to the creditors of the said corporation to an amount equal to the amount of stock held by him at the time said creditors respectively became such. But no action shall be brought against any stockholder, for any debt or liability contracted by said company, unless the same shall be commenced within one year from the time he shall have ceased to be a stockholder, and within one year after an execution against the property of said company shall have been returned unsatisfied in whole or in part; nor shall any person holding stock in said company as executor, administrator or trustee, be made or held liable to any such action.

Sec. 10. The corporation hereby created by this act, shall have and possess all the powers, rights and privileges, and be subject to all the provisions of chapter eighteen, of title three, of the first part of the Revised Statutes.

CHAPTER 206, LAWS OF 1876.

AN ACT to incorporate the Fulton Lake Park association.

Sec. 1. A. B. Lamberton and C. C. Morse, of the county of Monroe, James W. Wadsworth and James Faulkner, Jr., of the county of Livingston, Richard U. Sherman and Walter Ballou, of the county of Oneida, Robert M. Richardson and Thomas McCarthy, of the county of Onondaga, James L. Jackson and Henry H. Thompson, of the city of New York, Charles N. Ross, of the county of Cayuga, and such other persons as shall hereafter become members of the corporation hereby created, are hereby constituted a body corporate, by the name of "The Fulton lake park association," to be located in the county to be designated in its articles of association; to promote, encourage and sustain, by proper means, the propagation and preservation of fish and game, and the creation of a mountain villa park.

Sec. 2. Said corporation shall have power to make and adopt a constitution and by-laws and regulations for the admission of its members, and their government; the division and number of its shares, the number and election of its officers, and to define their duties, and for the regulation and safe-keeping of its property, and from time to time to alter, modify or change such constitution, by-laws, rules and regulations; and, until an election shall be held pursuant to such constitution, by-laws, rules and regulations, the persons named in the first section of this act shall be the officers of the corporation hereby created.

Sec. 3. Said corporation may purchase, lease, hold or sell any real estate or personal property in this State necessary and proper for the purposes of its incorporation; provided, they shall not hold any real estate, the original cost of which shall exceed two hundred thousand dollars.

Sec. 4. The capital stock of the said association shall be the sum of two hundred thousand dollars, consisting of one thousand shares of the par value of two hundred dollars for each share. But the directors may, at any time, and from time to time, by a vote of two-thirds in interest, increase the amount of such capital stock, and the par value of each share thereafter

to be subscribed for, provided the entire capital stock shall not exceed the amount of five hundred thousand dollars, and that the corporation shall own in fee at least ten acres of land for each two hundred dollars of capital.

Sec. 5. The association may issue licenses to any person or persons to hunt, fish, shoot or take game, or to go upon its property, under such regulations as may be prescribed by its by-laws. It may declare forfeited the interest of, and expel from the corporation, any member for willful infraction of its by-laws, rules and regulations.

Sec. 6. The corporation shall have the right to select among its game-keepers any number, not exceeding ten, who shall be provided with an appropriate badge, and who shall have all the right and authority of a deputy sheriff or a constable, within the limits of the property owned or leased by the corporation, and shall have the same power and authority, within the limit of the county or counties wherein its property is situated, in all matters touching the rights of the corporation, trespasses upon its real property, or interference with its game, fishing laws or other rules and regulations. And it shall be the duty of the sheriff of the county to depute such game-keepers, not exceeding ten, as deputy-sheriffs; their appointments to continue as long as they shall be employed by said corporation, and no longer. Such deputy-sheriffs shall be entitled to no fees or reward, except such as shall be paid them by the corporation, and the corporation shall pay the sheriff of the county five dollars for each deputy-sheriff so appointed.

Sec. 7. All persons are forbidden to hunt, shoot or fish in or upon the lands or waters owned or leased by said corporation, unless authorized to do so by said corporation, and any person who shall be found guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars, and not more than fifty dollars, in the discretion of the judge, court or magistrate before whom he or she shall be tried, for the first offense, and shall be fined not less than twenty dollars, and not more than one hundred dollars, for each additional offense.

Sec. 8. In addition to the penalties provided in the last section, the following penalties are imposed for the following offenses:

1. Any person who shall, without permission of the corporation, shoot, fish, or hunt, or attempt to shoot, fish or hunt upon the lands owned or leased by said corporation, provided there are signs or placards posted in a conspicuous manner upon the boundaries of said lands not more than one-half mile apart, warning trespassers against entering, shall, upon first conviction thereof, forfeit the sum of thirty dollars, and upon any subsequent conviction, the sum of sixty dollars.

2. Any person who shall, without permission, as aforesaid, kill any deer or other four-footed animals (except Hares, rabbits and other smaller animals, also wolves and panthers), upon the property owned or leased by said corporation, shall forfeit the sum of forty dollars for each offense.

3. Any person who shall, without the permission of said corporation, kill any wild turkey or other game bird, of a species of which the average weight, at full growth, is two pounds or upwards, upon the property owned or leased by said corporation, as aforesaid, shall forfeit the sum of ten dollars for each offense.

4. Any person who shall, without permission, as aforesaid, kill any game bird of a species of which the average weight, at full growth is less than two pounds, or any hare or rabbit or other small game animal, upon the property owned or leased by the corporation, shall forfeit the sum of five dollars for each offense.

5. Any person who shall, without permission, as aforesaid, catch, kill or take fish upon the property owned or leased by said corporation, and around which there shall be signs or placards, notifying the trespassers, as aforesaid, shall forfeit the sum of two dollars for each fish, and an additional fine of five dollars for each and every pound of fish so caught, killed or taken.

Sec. 9. Any person who shall willfully injure, destroy or pull down any fence, building, boundary sign or placard, or other property of the corporation (other than game birds, animals and

fish, as aforesaid), or shall set fire to any woods owned or leased by it, shall, upon conviction, forfeit a sum not less than one hundred dollars and not more than one thousand dollars, at the discretion of the tribunal before whom he or she may be tried.

Any person who shall hunt with any dog owned by him, or over which he has control, in or upon the property owned or leased by said corporation, unless by permission of said corporation, shall, upon conviction, forfeit the sum of twenty dollars; and any officer, agent, or employee of the corporation may seize any dog found hunting upon its premises, and detain it until the fine aforesaid is paid, or may destroy any dog found hunting therein.

Sec. 10. The laws of the State relating to fish or wild animals (except noxious animals for the killing of which a reward is offered), shall not be applicable to any of the territory owned or leased by said corporation, except that any person not authorized by said corporation to take game or fish within its boundaries, who shall do so contrary to the laws of this State, shall be liable to the penalties provided by said State laws in addition to the penalties provided by the game laws of the corporation.

Sec. 11. Any action brought for the recovery of a penalty for the violation of this act may be tried before any justice of the peace or other court having jurisdiction in civil action, for an amount equal to the penalty sued for, and in case of recovery, an execution may be issued against the person of the defendant as in other cases, where an execution may now be issued against the person. In cases of the recovery of fines under this act, one-half of such fines shall be paid to the informer, and one-half thereof to the treasurer of the county in which the action is tried, for the use of such county.

Sec. 12. Nothing herein contained shall limit or abridge the rights of said corporation to bring civil actions for trespass or damage to its property, real or personal. In any action for damage done to any fence, building or animal, or any property of the corporation, the damage shall not be confined to the actual damage of the property injured or destroyed; but if such damage is willful or malicious, triple damage shall be awarded,

and the jury may also award such punitive damages as they may deem proper.

Sec. 13. Such corporation shall possess the general powers, and be subject to the restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

TREE PLANTING.

CHAPTER 33, LAWS OF 1813.

AN ACT to regulate Highways.

* * * * *

27. And be it further enacted, That if any tree or trees upon any enclosed land, which hereafter shall fall or be fallen by any person, his agent or servant into any highway, or into any river now used as an highway, and shall not be removed, but continue in such highway or river, for the space of two days after notice given thereof by any person, the person or persons occupying the farm or lot from which such tree or trees shall be fallen, shall forfeit the sum of fifty cents for every tree which shall be so fallen, or suffer to remain in such highway or river, until the third day, and a like sum for every day thereafter, until the same shall be removed, to be recovered and applied in the same manner as penalties for obstructing roads are directed to be recovered and applied; and in case any person shall cut down any tree or trees on land not occupied by him, so that they fall into any highway or river as aforesaid, unless by the order and consent of the occupant, the person so offending shall forfeit to such occupant the sum of one dollar for every tree so fallen, and the like sum for every day the same shall remain therein, to be recovered as aforesaid with costs: And further, That if any person shall cut, or cause to be cut down, any tree, so that the same shall fall into Schohariekill or Catskill, West Canada Creek, or Black Creek, in the town of Watervliet, in the county of Albany, or Wood Creek in the county of Oneida, and shall not remove the same out of such kill or creek, within twenty-four hours thereafter, he shall forfeit and pay for every tree so cut down and left remaining, five dollars; the one half for the use

of any person who shall sue for the same, and the other half to be paid to the commissioners of highways of the town wherein the offence shall be committed to be applied to the repairs of the highways of such town and to be recovered before any justice of the peace with costs of suit.

28. And be further enacted, That all trees standing or lying on any land over which any public highways shall be laid out, shall be for the proper use of the owner or occupant of such land, except such of them as may be requisite to make or repair the highways or bridges on the same land.

29. And be it further enacted, That it shall and may be lawful for every person owning lands adjoining public highways, which shall not be less than three rods wide, to plant trees on the side or sides of such highways contiguous to his said lands: which trees shall be set in regular rows, at a distance of at least six feet from each other, and if any person or persons whatsoever shall cut down, injure, or destroy trees so planted and set out as aforesaid, or that have been heretofore so planted, set out or standing as aforesaid, he or they shall be liable to an action of trespass, at the suit of the party owning the land contiguous to such trees, any law, usage, or custom to the contrary notwithstanding.

CHAPTER 182, LAWS OF 1851.

FOR THE PROTECTION OF TREES.

Section 15. Every person who shall wilfully commit any trespass by,

1. Cutting down or destroying any kinds of wood or timber standing or growing upon the lands of any other, or upon lands belonging to the people of this state; or,

2. Carrying away any kind of wood or timber that may have been cut down and that may be lying on such lands; or,

3. Maliciously cutting down, lopping, girdling, or otherwise injuring any fruit or ornamental or shade tree; or,

4. Maliciously severing from the freehold any produce thereof, or anything attached thereto; or,

5. Severing and carrying away from any freehold, any property or thing attached thereto, of the value of twenty-five dollars or less, under such circumstances as would render the trespass a larceny if the thing so severed or carried away was personal property;

Shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one hundred and fifty dollars, or by both such fine and imprisonment.

CHAPTER 61, LAWS OF 1860.

TREE PLANTING.

Section 3. * * * * *

The said commissioners of highways of the several towns in this state are hereby authorized to expend a part of the highway tax levied in their road districts, * * * in planting shade trees upon the public greens or squares in said towns, provided the roads are always kept in good repair.

CHAPTER 93, LAWS OF 1863.

AN ACT to authorize the planting of shade trees along highways of this state.

Section 1. All persons owning lands fronting upon any highway (except in cities and incorporated villages), may make and have sidewalks along such land in the highway, and may plant and have shade trees along the road side of such sidewalks; such sidewalks, with shade trees, shall not extend more than six feet in width from the outward line of such highway to the line of the center of such shade trees; provided such highway is not more than three rods wide. In all cases where the highway is more than three rods wide, the central line of the center of such shade trees may be extended into the highway, from its outward line, a distance equal to one-fifth part of the width of such highway; provided such central line shall, in no case, exceed eleven

feet from the said outward line of such highway; and for the protection of such walks or trees they may also construct a railing of one bar, of not more than three and a half feet in height, with posts and with openings at convenient distances, so as, in nowise, to prevent foot passengers from using such walks, upon the road side adjacent and within two and a half feet of such trees, or, if there are no trees, then upon the road side of such sidewalks, on the same line on which trees may be planted as hereinbefore provided. But no trees of the kinds named in chapter three hundred and twenty-two of the laws of eighteen hundred and sixty-nine shall be planted nearer together than is therein provided.

CHAPTER 322, LAWS OF 1869.

AN ACT to encourage the planting of shade trees along the sides of public highways.

Section 1. Any inhabitant liable to highway tax who shall transplant by the side of the public highway any forest shade trees, or fruit trees, of suitable size shall be allowed by the overseers of highways in abatement of his highway tax, one dollar for every four trees set out; but no row of elms shall be placed nearer than seventy feet; no row of maples or other forest trees nearer than fifty feet, except locust, which may be set thirty feet apart; fruit trees must also be set at least fifty feet apart; and no allowance, as before mentioned, shall be made, unless such trees shall have been set out the year previous to the demand for said abatement of tax, and are living and well protected from animals at the time of such demand.

Section 2. Any trees transplanted by the side of the public highways, as aforesaid, in the place of trees which have died, shall be allowed for in the same manner and in the same conditions as in the preceding section.

Section 3. No person shall be allowed an abatement of his highway taxes, as aforesaid, more than one quarter of his annual highway tax, and no one shall receive any abatement of tax for trees transplanted previous to the passage of this act.

CHAPTER 215, LAWS OF 1875.

AN ACT to prevent the mutilation of shade trees.

Section 1. It shall be unlawful for any person or persons whatsoever, in this state, to hitch any horse or other animal to, or leave the same standing near enough to, to injure any fruit or forest tree that has been transplanted or used as a shade or ornamental tree around any school-house, church or public building, or along any public highway, or to cut down or mutilate, in any way, any such ornamental or shade trees; but the right of property owners along highways to cultivate, train and use the shade trees shall not be impaired or abridged hereby.

Section 2. Any person or persons guilty of violating the provision of section one of this act shall be liable to prosecution by any person, before any justice of the peace in the town where the offence is committed, and punishable by a fine not exceeding ten dollars, nor less than one dollar, besides the costs of action for each offence or for each tree cut down, or mutilated in violation of the provisions of this act; and every such penalty, when collected, shall be paid by the justice, one half to the overseer of the poor of the town in which recovery was had, and remainder to complainant, and the same process and means for the collection of the penalties imposed by this act may be issued and had as are now allowed by law for the collection of damages in actions of tort, but no provision of this act shall operate to interfere with any ordinance of the incorporation of villages and cities of this state, intended to secure the protection of shade trees therein.

CHAPTER 196, LAWS OF 1888.

AN ACT to encourage arboriculture.

Section 1. The Friday following the first day of May in each year shall hereafter be known throughout this State as Arbor Day.

Section 2. It shall be the duty of the authorities of every public school in this State, to assemble the scholars in their charge on that day in the school building, or elsewhere, as they may

deem proper, and to provide for and conduct under the general supervision of the city superintendent or the school commissioner, or other chief officers having the general oversight of the public schools in each city or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

Section 3. The State superintendent of public education shall have power to prescribe from time to time, in writing, a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor Day, and upon receipt of copies of such course, sufficient in number to supply all the schools under their supervision, the school commissioner or city superintendent aforesaid shall promptly provide each of the schools under his or their charge with a copy, and cause it to be adopted and observed.

PART II.

CERTAIN RIVERS DECLARED HIGHWAYS.
DAMS AND RESERVOIRS AUTHORIZED.

PART II.

CERTAIN RIVERS DECLARED HIGHWAYS—DAMS AND RESERVOIRS AUTHORIZED.

CHAPTER 139, LAWS OF 1806.

AN ACT declaring Salmon river, in the county of Clinton, a public Highway, and to prevent obstructions in the river Schroon, in the counties of Washington and Essex.

Be it enacted, That from and after the passing of this act, that part of the Salmon river, in the town of Harrison, in the county of Clinton, beginning at the bridge over the same, near the centre of the township of Malone, thence down the said river to the north line of this State, be and is hereby declared to be a public highway: Provided, that all persons owning mills or mill privileges on the said river, shall have the right to build as many dams across the same, as they or either of them may think proper, and enjoy and improve the same under the following restrictions and regulations, to wit: That the owner or owners of any mill, or other dam or dams across said river, made or erected before the passing of this act, shall respectively, on or before the first day of October next, alter such dam or dams by making a slope or apron thereto, not exceeding forty-five degrees, and planked in such smooth manner that salmon may easily pass over into the waters above the dam, and that such slope or apron shall be of sufficient width for rafts and boats to pass freely thereon, under the penalty of two hundred dollars.

And be it further enacted, That no owner or owners of any mill or other dam as aforesaid, shall at any time open any sluiceways or water-gates to draw off the water so as to prevent rafts or boats freely passing at all seasons of the year, unless some

necessary repair of such mill or dam shall require the same, under penalty of ten dollars for every twenty hours the water shall be drawn of as aforesaid.

And be it further enacted, That if any person or persons shall hereafter cut or fell any tree or trees into the said river, within the limits aforesaid, such person or persons shall forfeit and pay one dollar for each and every tree so felled and suffered to remain in the said river twenty-four hours.

And be it further enacted, That every penalty and forfeiture imposed by this act, may be recovered, with costs of suit, in any court having cognizance thereof, by any person who will prosecute for the same to effect, the one moiety thereof to be paid to the commissioners of highways, of the town in which such offense shall happen, to be by them laid out and expended in improving the roads, and erecting or improving bridges in the said town; and the other moiety to be to the use of the person who shall sue for the same.

And be it further enacted, That if any person or persons shall hereafter cut or fell any tree or trees, roll any log or logs into the river Schroon, in the county of Washington or Essex, or do any thing to obstruct said river, every such person or persons shall forfeit and pay the sum of five dollars for every such offense, to be sued for and recovered agreeable to the above act, unless the said obstruction shall be removed within twenty-four hours: Provided always, That nothing in this act shall go to prevent any person or persons from rafting any lumber down said river they may think proper.

CHAPTER 395, LAWS OF 1854.

AN ACT declaring Salmon river a public highway.

Sec. 1. The Salmon river and its several branches, situated in the county of Franklin, is hereby declared a public highway, for the purpose of floating saw logs, fire-wood and timber, from their respective sources, to the point in the town of Malone where the same is now by law a public highway.

Sec. 2. There shall no dam be hereafter erected on the said river, or any of its branches, without an apron of at least thirty feet in width in the middle of the current of the river, of a proper slope for the passage of logs and timber.

Sec. 3. All booms made on said river, above any dam, shall have an open passage way of at least twenty feet in width; but the said passage way may be closed, except when necessary to be opened for the passage of logs.

Sec. 4. Any person wilfully obstructing any booms or other wise, the channel of said rivers, so that the said space of twenty feet in width shall not be open for use, shall be liable to a penalty of twenty-five dollars for each day of the continuance of said obstruction, to be sued for and collected by any person aggrieved by such obstruction.

Sec. 5. Persons desirous of floating logs or lumber down the said stream may construct a shoal or apron in connection with any dam across said stream, and may reconstruct any booms already constructed in, over and across said streams, in such manner as to allow logs and lumber to pass by the same, and may construct such other piers, booms and dams as may be necessary for the passage of saw logs over and through the said channels, doing no unnecessary injury to the owner or occupants of said booms and dams, or to the owners or occupants of any lands on which piers, booms or dams may be constructed, or lands flooded thereby, and paying to such owner or occupants such damages as he or they may sustain by reason of the construction of piers, booms and dams, and flowing water by the same, or by the carelessness or inattention of such parties or their employes in and about such dams or booms, to be appraised by commissioners to be appointed by the county court of the county of Franklin, on the application of any person interested in the appraisal of such damages, on ten days' notice, in writing, to the opposite party or parties of the time and place of making such application. This act shall not be construed to impair or abridge any private or individual rights, except so far as is necessary for the improvement of said rivers for floating logs and lumber down the same.

Sec. 6. Any person making claims for damages, arising under this act, shall apply for the same within one year from the accruing of the same, or be barred from recovering the same.

Sec. 7. Every person who shall put any logs or lumber into the said stream, or either of its branches, for the purpose of floating them down the same, shall select some mark, different from any mark previously recorded, and put the same on each log or stick of timber, in a conspicuous place, so put into said river or its branches, and shall cause his mark to be recorded in the town clerk's office, in the town of Malone.

Sec. 8. Every person who shall neglect to enter his mark as required in the foregoing section, shall be debarred from all benefits arising from the due entry of such marks, and the assignee or vender of any such logs or timber shall be subject to the same regulation and restrictions.

Sec. 9. The clerk of the town of Malone shall be entitled to the sum of twenty-four cents for entering every such mark, to be paid by the person requiring the same to be entered; and a copy of such entry, certified by the clerk, shall be received as presumptive evidence, in all courts in this state, that the lumber having such mark is the property of the person by whom such mark was selected and recorded.

Sec. 10. No person not authorized, as hereinbefore directed, shall stop, take up or draw to, or lodge on the shore of the above named streams, or any island therein, on either shore of said streams, any logs, timber, boards or planks floating in said streams, without the consent of the owner thereof; and every person offending in the premises shall, for every such offence, forfeit the sum of ten dollars, to be recovered by the overseers of the poor of the village or town where the offence was committed, for the use of the poor thereof.

CHAPTER 185, LAWS OF 1855.

AN ACT for the improvement of Salmon river, and its tributaries.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropri-

ated, two thousand five hundred dollars in the year eighteen hundred and fifty-five, and two thousand five hundred dollars in the year eighteen hundred and fifty-six, for the purpose of improving Salmon river and its tributaries, from their respective sources in the county of Franklin, to the village of Malone, in the same county; which money shall be expended by and under the direction of William King, Buel H. Man and Aaron Beman, commissioners hereby appointed for that purpose.

Sec. 2. The said sum of five thousand dollars is hereby appropriated for clearing and improving the rafting channel of the said Salmon river and its tributaries, so far as the same are within the said county of Franklin, and for the construction of such piers, booms and dams, as may be necessary for the passage of logs and other lumber over and through the channels of such river and its tributaries, within said county of Franklin, and also for the construction of such piers, booms and dams, as may be necessary for the passage of logs and other lumber, from the various lakes and ponds in the vicinity of said river and its tributaries, to the main branch of said Salmon river, and also for supplying from the said lakes and ponds, a more plentiful supply of water for the mills below.

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Sec. 5. The lands belonging to this state, situated upon or near the rivers and lakes proposed to be rendered navigable by this act, shall not be sold hereafter at private sale, but the comptroller shall, from time to time, as he shall judge the interest of the state to require, advertise such lands for sale at public auction, giving not less than three months notice of the time and place of sale. He shall put up the same in lots or parcels not exceeding one square mile, or six hundred and forty acres in each parcel, and no sale shall be made at a price less than thirty cents per acre. The said commissioners are hereby authorized to flow any lands belonging to the state, or that may revert to the state for arrears of taxes, which it may become necessary to flow in order to make the improvements contemplated by this act.

Sec. 6. Sections two, three, four, five, six, seven, eight and ten, of the act entitled "An act declaring Salmon river a public highway," passed April seventeenth, one thousand eight hundred and fifty-four, shall be applicable to said river and its tributaries, after the same shall be improved under and by virtue of this act.

CHAPTER 163, LAWS OF 1857.

AN ACT for completing the improvement of Salmon river and its tributaries.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of completing the improvement of Salmon river and its tributaries, from their respective sources in the county of Franklin to the village of Malone in the same county, which money shall be expended by and under the direction of Ebenezer Mann, Hiram Horton and Benjamin S. W. Clark, commissioners hereby appointed for that purpose.

Sec. 2. The said sum of five thousand dollars is hereby appropriated for clearing and improving the rafting channel of the said Salmon river and its tributaries, so far as the same are within the said county of Franklin, and for the construction of such piers, booms and dams, as may be necessary for the passage of logs and other lumber over and through the channels of said river and its tributaries, within said county of Franklin; and also for the construction of such piers, booms and dams, as may be necessary for the passage of logs and other lumber from the various lakes and ponds in the vicinity of said river and its tributaries, to the main branch of said Salmon river, and also for supplying from the said lakes and ponds a more plentiful supply of water for the mills below.

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Sec. 5. The lands belonging to this state, situated upon or near the rivers and lakes proposed to be rendered navigable by this act, shall not be sold hereafter at private sale, but the comptroller shall from time to time, as he shall judge the interest of the state to require, advertise such lands for sale at public

auction, giving not less than three months' notice of the time and place of sale. He shall put up the same in lots or parcels, not exceeding one square mile, or six hundred and forty acres in each parcel, and no sale shall be made at a price less than thirty cents per acre. The said commissioners are hereby authorized to flow any lands belonging to the state, or that may revert to the state for arrears of taxes, which it may become necessary to flow in order to make the improvements contemplated by this act.

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CHAPTER 350, LAWS OF 1859.

AN ACT vesting the control of the piers, booms and dams, on Salmon river, in the commissioners for improving said river.

Sec. 1. The care, custody and control of the piers, booms and dams erected upon Salmon river, under the provisions of chapter one hundred and sixty-three of the Laws of eighteen hundred and fifty-seven, are hereby vested in the commissioners appointed by said act, and their successors in office, which successors, upon the completion of the improvement of said river, shall be appointed by the board of supervisors of the county of Franklin, at their next annual meeting thereafter to be held and shall hold their offices for the term of three years.

Sec. 2. Whoever shall in any manner interfere with said piers, booms and dams, or shall hoist any gate in or about said dams, without the consent of said commissioners, or a majority of them, shall, upon conviction, be deemed guilty of a misdemeanor.

CHAPTER 268, LAWS OF 1872.

Sec. 1. For the purpose of improving the hydraulic power of the Little Salmon river, in the county of Franklin, and to check freshets therein, a board of commissioners is hereby constituted, to be termed commissioners for the improvement of the hydraulic power of the Little Salmon river.

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Sec. 4. The commissioners under this act are authorized and empowered to constitute, establish and maintain one or more reservoirs of water for the purposes specified in the first section of this act, by the erection and maintenance of one or more dams in and across the waters of Little Salmon river or any of its tributaries and branches, at any place or places deemed proper and advisable by them, which said dam or dams shall be made of sufficient height, and with apertures that may be closed and opened by gates, whereby the waters of said reservoirs may be retained or discharged as the purposes of this act may require. It shall be the duty of said board of commissioners to make, or cause to be made, as soon as possible, and with sufficient completeness and accuracy, to determine, as near as may be, the probable cost of said improvements, such surveys, measurements and examinations as shall be necessary and sufficient to show the practicableness of making and maintaining such reservoir or reservoirs of water by means of one or more dams to be erected in and across the Little Salmon river or its tributaries, as aforesaid, so as to set back and raise the waters thereof, and any lakes and ponds connected therewith, and overflow the marshes and other lands adjacent thereto, by means whereof the said reservoir or reservoirs of water may be used to render the flow of water in said river more uniform and equal, and for use as power, including the cost of land that may be necessary for the purposes of such reservoir or reservoirs, and of such lands as may be flowed and damaged thereby; the expense of such surveys, measurements and examinations as aforesaid, to be assessed and collected as provided in section seven of this act.

Sec. 5. Whenever the owners of water powers upon said Little Salmon river to the extent of one-half in value, including the lots of land on which the same is located, as assessed and valued upon the assessment rolls of the several towns in which they are assessed, of all the water powers now in use on said river shall consent thereto in writing, the said commissioners shall proceed to construct one or more dams as aforesaid, and maintain and operate one or more reservoirs according to the aforesaid plans, surveys and measurement, as near as may be; and the said plan

shall not be essentially changed, enlarged or diminished except by the like consent of the owners of one-half in value of water powers on said river.

Sec. 6. Whenever such consent shall be given as aforesaid, then the said commissioners under this act are authorized and empowered to constitute, establish and maintain one or more reservoirs of water for the purposes mentioned in the first section of this act, by the erection of one or more dams across the Little Salmon river or its tributaries, with suitable apertures and gates whereby said waters may be retained and discharged as the purposes of this act may require; and they shall also cause a survey and map to be made of the said river and the lakes and ponds connected therewith, and the lands adjacent thereto which will be overflowed or liable to be overflowed by a dam or dams authorized to be constructed as aforesaid, and of such height as they shall deem necessary to erect; and also of any lot or parcel of land which they may deem necessary for convenience while constructing or repairing the said works and dams, or for highways to the works, and which map shall indicate, as near as may be, the different lots or tracts of land affected, the owners thereof as far as they can be ascertained, and the quantity of land required from each; and they shall file such survey and map in the office of the clerk of the county of Franklin.

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Sec. 17. Any or every person who shall willfully interfere with, or injure any of the works, gates or structures, made or constructed under the provisions of this act, shall be deemed guilty of a misdemeanor, and punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both, and the board of commissioners may maintain actions for any damage to such works.

CHAPTER 180, LAWS OF 1810.

AN ACT declaring certain parts of the Rackett and St. Regis rivers, in the county of St. Lawrence, public highways.

That the Rackett river, in the county of St. Lawrence, from its mouth to the bottom of the falls on said river, near the south

line of lot number sixty-seven, in the township of Louisville, be and the same is hereby declared to be a public highway: Provided however, That the owner or owners of the lands adjoining, may erect mills, or other water-works, store-houses or docks on the said river, so that the same shall not impede or obstruct the passage of rafts or boats.

And be it etc., That the river St. Regis, from the north line of this state to the east line of the town of Stockholm, be and the same is hereby declared to be a public highway: Provided nevertheless, That any person or persons who may own or occupy lands on the banks of said river, within the distance aforesaid, may erect a dam or dams across the said river, provided they shall so construct such dam or dams that a place not less than fifty feet, nor more than sixty feet, shall be left one foot or more lower in the said dam in the main channel of the river, than the other parts of said dam, and making a sufficient apron from the top of such dam, at such place, on a descent of not more than twenty degrees, to the bottom of the river below the dam, so that timber, masts and spars can be carried over such dam in high water.

CHAPTER 249, LAWS OF 1850.

AN ACT for the improvement of Racket river and the tributaries thereof.

Sec. 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, five thousand dollars during the year eighteen hundred and fifty, and five thousand dollars during the year eighteen hundred and fifty-one, for the purpose of improving Racket river from Atwater's mill in the county of St. Lawrence, to its source in the county of Hamilton, and also of Cold or Clear river, and Big and Little Tupper's lakes, tributaries of Racket river aforesaid: which money shall be expended by and under the direction of Aaron P. Hopkins, Henry Hewitt and Charles Russell, commissioners hereby appointed for that purpose.

Sec. 2. Of the said sum of ten thousand dollars, five thousand is hereby appropriated for clearing and improving the rafting channel of Racket river and for the construction of such piers, booms, and dams as may be necessary for the passage of the logs and other lumber over and through said channel from said Atwater's mill to the head of the Upper Falls in the town of Piercefield in the county of St. Lawrence, and the remaining five thousand dollars for clearing and improving the rafting channel of said Racket river, and also those of Cold or Clear river, and of Big and Little Tupper's lakes, and the channel connecting said lakes, and for the construction of piers, booms, and dams as may be necessary for the passage of saw logs and other lumber over and through said channel from the head of Piercefield Falls aforesaid, and through Long and Forked lakes to the foot of Racket lake in the county of Hamilton.

Sec. 3. The said commissioners shall before entering upon the duties of their office execute and file in the office of the comptroller of this state a bond, with sufficient sureties to be approved by the comptroller, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of their duties.

Sec. 4. The said commissioners shall receive for their services two dollars for each day actually employed in the duties of their office, out of the monies hereby appropriated, and shall make a report of their proceedings on oath to the comptroller on the first day of December in each year.

Sec. 5. The lands belonging to this state, situated upon or near the rivers and lakes proposed to be rendered navigable by this act, shall not be sold hereafter at private sale. But the comptroller shall, from time to time, as he shall judge the interests of the state to require, advertise such lands for sale at public auction, giving not less than three months notice of the time and place of making such sale, he shall put the same up in lots or parcels, not exceeding one square mile or six hundred and forty acres in each parcel; and no sale shall be made at a price lower than fifteen cents per acre.

CHAPTER 264, LAWS OF 1850.

AN ACT declaring Racket river in the state of New York a public highway, and regulating the passage of lumber down the same, and regulating the sale of public lands in the vicinity thereof.

Sec. 1. The Racket river is hereby declared a public highway for the purpose of floating logs and lumber from its mouth in the town of Massena, to the foot of Rackett lake in the county of Hamilton.

Sec. 2. On that part of said river, hereby declared a public highway, no dam shall hereafter be erected without an apron, at least, thirty feet in width, in the middle of the current of the river, of a proper slope, for the passage of logs and timber.

Sec. 3. All booms made on said river above any dam shall have an open passage or water-way of at least thirty feet in width; and the said passage may be closed except when necessary to be open for the passage of logs.

Sec. 4. Any person wilfully obstructing by booms or otherwise the channel of said river, so that said space of thirty feet in width shall not be open for use, shall be liable to a penalty of twenty-five dollars for each day of the continuance of said obstruction, to be sued for and collected by every person aggrieved by such obstruction.

Sec. 5. Persons desirous of floating logs or lumber down the said stream may construct a shoal or apron in connection with any dam across said stream, and may reconstruct any booms already constructed in, over and across said stream, in such manner as to allow logs and lumber to pass by the same, doing no unnecessary injury to the owner or occupants of said boom, and paying to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam and boom; nor shall this act be construed to impair or abridge any private or individual rights, except so far as is necessary for the improvement of said river and floating logs and lumber down the same.

Sec. 6. The lands on and adjoining said river belonging to the state shall not be sold at a price less than thirty-three cents per acre.

CHAPTER 303, LAWS OF 1851.

AN ACT to amend an act entitled "An Act declaring Racket river a public highway, and regulating the passage of lumber down the same, and regulating the sale of public lands in the vicinity thereof."

Sec. 1. The fifth section of the act entitled, "An act declaring Racket river, in the State of New York, a public highway, and regulating the passage of lumber down the same, and regulating the sale of public lands in the vicinity thereof," passed April 10th, 1850, shall be amended so as to read as follows: Persons desirous of floating logs or lumber down the said stream may construct a shoal or apron in connection with any dam across said stream, and may reconstruct any booms already constructed in, over and across said stream in such manner as to allow logs and lumber to pass by the same, doing no unnecessary injury to the owner or occupants of said booms, and paying to such owner or occupants such damages as he or they may sustain by reason of the alteration of said dam or boom; to be appraised by three commissioners to be appointed by the county court of St. Lawrence county, on the application of any person interested in the appraisal of such damages, on ten days notice in writing to the opposite party or parties, of the time and place of making such application; and in appraising the damages to the owner or owners of any such booms or dams, the commissioners shall take into account the benefits accruing to such owner or owners from the expenditure of the appropriation from the state for the improvement of Racket river, nor shall this act be construed to impair or abridge any private or individual rights except so far as is necessary for the improvement of said river and floating logs and lumber down the same.

Sec. 2. Every person who shall put any logs or timber into the waters of Racket river or its branches, for rafting or floating down said river or its branches, shall select some mark different from any mark previously recorded, and put the same in a

conspicuous place upon each log or stick of timber so put into said river or its branches; and shall cause his mark to be recorded in the town clerk's office of the town of Potsdam, whose duty it shall be to enter the same in a book to be kept by him for that purpose which shall be subject to the inspection of any person requiring it.

Sec. 3. Every person who shall neglect to enter his mark as required in the foregoing section, shall be debarred from all benefits arising from the due entry of such mark, and the assignee or vender of any such logs or timber shall be subject to the same regulation and restrictions.

Sec. 4. The clerk of the town of Potsdam shall be entitled to a compensation of twenty-four cents for entering every such mark to be paid by the person requiring the same to be entered and a copy of such entry certified by the clerk shall be received as presumptive evidence in all courts of this state, that the lumber having such mark is the property of the person by whom such mark was selected and recorded.

Sec. 5. No person not authorized as hereinafter directed shall stop, take up, or draw to, or lodge on the shore of Racket river, or any island therein south of Atwater's mills, on either shore of said river, any logs, timber, boards or plank floating in said river without the consent of the owner thereof, and every person offending in the premises shall, for any such offense, forfeit the sum of ten dollars, to be recovered by the overseers of the poor of the village or town where the offense was committed, for the use of the poor thereof.

Sec. 6. Any person making claims for damages arising under this act, shall apply for the same within one year from the accruing of the same, or be barred from recovering the same.

Sec. 7. The commissioners appointed to improve the navigation of Racket river, by virtue of chapter 249, Laws of 1850, may in their discretion expend, not exceeding one thousand five hundred dollars of the five thousand dollars appropriated for the improvement of said river above Persefield* falls, below said falls.

* Perclefield or Persefield; laterly, Piercefield.

CHAPTER 263, LAWS OF 1853.

AN ACT for the relief of Aaron T. Hopkins, Henry Hewett and Charles Russell, commissioners for the improvement of Rackett river.

Sec. 1. The treasurer shall pay on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the sum of three hundred and twenty-nine dollars and forty-seven cents to Aaron T. Hopkins, Henry Hewett, and Charles Russell, commissioners for the improvement of Rackett river; the said sum being an excess expended by them in said improvement over the appropriation made April 10th, 1850.

CHAPTER 162, LAWS OF 1854.

AN ACT for the improvement of Rackett river and the tributaries thereof.

Sec. 1. The sum of ten thousand dollars is hereby appropriated, out of any moneys in the treasury belonging to the general fund, not otherwise appropriated; two thousand and five hundred dollars in the year one thousand eight hundred and fifty-four; two thousand five hundred dollars in eighteen hundred and fifty-five; two thousand five hundred dollars in eighteen hundred and fifty-six, and two thousand five hundred dollars in eighteen hundred and fifty-seven, for the purpose of improving Rackett river, from the north line of Potsdam, in the county of St. Lawrence, to its source in the county of Hamilton, and also of Cold or Clear river, a tributary of Rackett river, which money shall be expended by and under the direction of John H. Van Benthuyssen, Nicholas James, Edward Hutchings, commissioners appointed for that purpose.

Sec. 2. The sum of ten thousand dollars is hereby appropriated for clearing and improving the rafting channel of Rackett river, by the construction of such piers, booms and dams, and removing such obstructions as are necessary for the passage of

logs and other lumber over and through said Racket, Cold, and Clear rivers, from the north line of the town of Potsdam, in St. Lawrence county, to Racket lake, in the county of Hamilton, and for the purpose of making such reservoirs of the waters as may be necessary for the purpose of driving logs from said Racket lake to the town of Potsdam aforesaid.

Sec. 3. The said commissioners shall, before entering upon the duties of their office, execute and file in the office of the comptroller of this state a bond, with sufficient sureties, to be approved by the comptroller, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of their duties.

Sec. 4. The said commissioners shall receive for their services two dollars for each day actually employed in the duties of their office, out of the moneys hereby appropriated, and shall make a report of their proceedings, on oath, to the comptroller, on the first day of December in each year, with satisfactory vouchers for all expenditures under this act, and shall file in the comptroller's office.

CHAPTER 159, LAWS OF 1857.

AN ACT for the relief of the commissioners for the improvement of Rackett river.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated; two thousand and five hundred dollars at any time after the first day of May next, and two thousand and five hundred dollars in the year one thousand eight hundred and fifty-eight, for the purpose of improving Rackett river, as prescribed in the act entitled "An act for the improvement of Rackett river and the tributaries thereof," passed April fifth, one thousand eight hundred and fifty-four, and by the commissioners therein named. This appropriation is in lieu of the same amount, being the two last instalments of the appropriation made in the act last above named, and the said last mentioned act so far as relates to this appropriation is hereby repealed.

CHAPTER 90, LAWS OF 1869.

AN ACT to provide for the improvement of the navigation of the Racket River and of the hydraulic power thereon, and to check freshets therein.

Sec. 1. For the purpose of improving the navigation of the Racket river and the hydraulic power thereon and checking freshets therein, a board of commissioners is hereby constituted to be termed Commissioners for improvements on the Racket river.

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Sec. 4. The commissioners under this act are authorized and empowered to constitute, establish and maintain one or more reservoirs of water for the purposes specified in the first section of this act, by the erection and maintenance of one or more dams in and across the waters of Racket river or any of its tributaries and branches, at any place or places deemed proper and advisable by them, south of the north line of the township of land in the county of St. Lawrence, known as the town of Piercefield, north of a direct line running from the foot of Racket or High falls, in Franklin county, to the north or Bog river at the head of Big Tupper's lake in St. Lawrence county, which said dam or dams shall be made of sufficient height, and with apertures that may be closed and opened by gates, whereby the waters of said reservoirs may be retained and discharged, as the purposes of this act may require. It shall be the duty of said board of commissioners to make or cause to be made as soon as possible, and with sufficient completeness and accuracy, to determine as near as may be the probable cost of said improvements, such surveys, measurements and examinations as shall be necessary and sufficient to show the practicableness of making and maintaining such reservoir or reservoirs of water by means of one or more dams to be erected in and across the waters of Racket river or its branches, as aforesaid, so as to set back and raise the waters thereof, and any lakes and ponds connected therewith, and overflow the marshes and other lands adjacent thereto, by means whereof the said reservoir or reservoirs of

water may be used to render the flow of water in said river more equal and uniform for purposes of transporting lumber, sawlogs or other property therein, and for use as power, including the cost of land that may be necessary for the purposes of such reservoir or reservoirs, and of such land as may be flowed and damaged thereby; the expense of such surveys, measurements and examinations as aforesaid, to be assessed and collected as provided in section seven of this act.

Sec. 5. Whenever the owners of water powers upon said Racket river to the extent of one-half in value, including the lots of land on which located, as assessed and valued upon the assessment rolls of the several towns in which they are assessed, of all the water powers now in use on said river, shall consent in writing thereto, the said commissioners shall proceed to construct one or more dams as aforesaid, and maintain and operate one or more reservoirs according to the aforesaid plans, surveys and measurements, as near as may be; and the said plan shall not be essentially changed, enlarged or diminished except by the like consent of the owners of two-thirds in value of water powers on said river.

Sec. 6. Whenever such consent shall be given as aforesaid, then the said commissioners under this act are authorized and empowered to constitute, establish and maintain one or more reservoirs of water for the purpose mentioned in the first section of this act, by the erection of one or more dams as aforesaid in and across the waters of the Racket river or its branches, with suitable apertures and gates whereby said waters may be retained and discharged as the purposes of this act may require; and they shall also cause a survey and map to be made of the said river and the lakes and ponds connected therewith and the lands adjacent thereto which will be overflowed or liable to be overflowed by a dam or dams authorized to be constructed as aforesaid, and of such height as they shall deem necessary to erect; and also of any lot or parcel of land which they may deem necessary to take for the purpose of a dwelling place for the gate keeper and for a highway to the works, and which map shall indicate as near as may be the different lots or tracts of land affected, the owners thereof as far as can be

ascertained, and the quantity of land required from each; and they shall file such survey and map in the office of the clerk of the county of St. Lawrence.

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Sec. 15. The commissioners appointed by this act and their successors in office shall maintain and repair, and in case of their destruction, rebuild said dams and other structures erected for the purpose of said reservoir or reservoirs, the expenses whereof shall be assessed upon the water power lots on said river in the manner prescribed in section seven of this act, including therein such new water powers as shall be brought into use subsequent to the creation of said reservoir or reservoirs.

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CHAPTER 432, LAWS OF 1872.

AN ACT to amend chapter ninety, Laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein," passed April second, eighteen hundred and sixty-nine.

Sec. 1. The commissioners appointed under and in pursuance of chapter ninety, laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein," shall have one year from and after the passage of this act in which to make and file the surveys and maps contemplated and required by the sixth section of said act; and in case any part or portion of the river, or of the lakes, ponds or lands mentioned in said sixth section shall be situate outside of the boundaries of St. Lawrence county, then the maps and surveys of such part and portion shall be filed also in the office of the clerk of the county where the same shall be located.

Sec. 2. The schedules and descriptions authorized and provided for in and by the seventh section of said act shall apply to the lots and parcels of land on which there is a hydraulic power dependent upon the waters of Racket river, situate in the

towns of Potsdam and Pierrepont in said county of St. Lawrence, and to no other; and nothing in said act contained shall authorize the assessment of any water powers heretofore used or occupied or the owners of such water powers, on account of the dam or works heretofore constructed or rebuilt, or the works authorized by said act, except such as are situate in the towns aforesaid; and the schedules heretofore made by the appraisers under said act shall be in no wise invalidated or affected by reason of the omission therefrom of lots and parcels of land or water powers not within the towns aforesaid, or either of them.

Sec. 3. Any assessment which may be made by the appraisers under or in pursuance of said act may, in the discretion of the appraisers making the same, include expenses for building or rebuilding of the dams and works heretofore constructed and rebuilt, together with the cost or price of land, timber or other property taken or to be taken under this act; and any other costs and expenses of protecting, managing, maintaining or improving the dams, reservoirs and works authorized or contemplated by said act, and any and all proper costs and expenses of carrying out and enforcing the provisions of said act; and any one assessment may, in the discretion of the appraisers making the same, include any part or portion of such cost, price, damages, costs and expenses.

Sec. 4. In case the commissioners appointed or authorized by said act shall require title thereunder to any lands not situate in said county of St. Lawrence, that a survey or description of the same, with a written statement or a notice that such commissioners have acquired title thereto shall, within one month after such commissioners shall have perfected title to the same, be filed in the office of the clerk of the county where such lands shall be located.

CHAPTER 425, LAWS OF 1873.

AN ACT in relation to the improvement of the Racket river, and other hydraulic power thereon, and to check freshets therein.

Sec. 1. The commissioners appointed under and in pursuance of chapter ninety, laws of eighteen hundred and sixty-nine, being

an act entitled "An act to provide for the improvement of the Racket river, and of the hydraulic power thereon, and to check freshets therein," shall have one year from and after the passage of this act in which to make and file the surveys and maps contemplated by the sixth section of said act; and in case any part or portion of the river, or of the lakes, ponds, or lands mentioned in said sixth section shall be situate outside of the boundaries of St. Lawrence county, then the maps and surveys of such part and portion shall be filed also in the office of the clerk of the county where the same shall be located. Such commissioners shall, within one year after the making and filing of the surveys and maps aforesaid, commence proceedings for acquiring title to lands as contemplated by section eleven of said act; and the statements, account, schedule and map shall be thereafter made and filed, and the proceedings had, as provided in sections twelve and thirteen of said act.

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CHAPTER 269, LAWS OF 1874.

AN ACT in relation to the improvement of Racket river.

Sec. 1. The commissioners appointed under and in pursuance of section two of chapter ninety, laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein," shall have one year from and after the passage of this act in which to make and file the surveys and maps contemplated by the sixth section of said act, and referred to in section one, chapter four hundred and twenty-five of laws of eighteen hundred and seventy-three.

CHAPTER 148, LAWS OF 1877.

AN ACT in relation to the improvement of the Racket river and of the hydraulic power thereon, and to check freshets therein.

Sec. 1. The commissioners appointed under and in pursuance of section two of chapter ninety, laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein," shall have until the

expiration of one year from and after the passage of this act in which to make and file the surveys and maps contemplated by the sixth section of said act, and referred to in section one, chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-three.

CHAPTER 374, LAWS OF 1882.

AN ACT for the improvement of the Racket river.

Sec. 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, ten thousand dollars in the year eighteen hundred and eighty-two, and ten thousand dollars in the year eighteen hundred and eighty-three, for the purposes of the improvement of Racket river, which moneys shall be expended by and under the direction of Eben P. Colton, Luke Usher and Delos S. Sherman, who are hereby appointed to constitute a board of commissioners to carry into effect the provisions of this act. A majority of said commissioners shall constitute a quorum for the transaction of business.

Sec. 2. The said sum of twenty thousand, so appropriated for the purposes aforesaid, shall be expended by said commissioners in clearing and improving the channels of said river and in constructing dams, slides, piers, booms and such other erections as said commissioners shall deem most conducive to the improvement of said river for the passage and moving of timber and lumber over and through such channels, and for paying for dams, slides, piers, booms and erections made, prepared and constructed for the purposes aforesaid.

* * * * *

CHAPTER 277, LAWS OF 1885.

AN AOT to prevent the obstruction of Racket river and the east branch of the St. Regis river by depositing therein buttings, edgings and debris of saw-mills and other manufactures of wood, and imposing a penalty for so doing.

Sec. 1. It shall not be lawful for any person or persons, company or corporation engaged in the manufacture of lumber,

shingles, box shooks or any other manufacturer of wood upon Racket river and the east branch of the St. Regis river, in the State of New York, or for any other person to put into said rivers, buttings, edgings, slabs or debris from any mills engaged in the manufacturer of shingles, wood and lumber upon or adjacent to said rivers to be floated down the same, except saw-dust and planer shavings.

Sec. 2. Any person or persons, or members of a company or corporation violating this act shall forfeit and pay fifty dollars for each and every violation thereof, to be sued for and recovered by any person who shall feel himself aggrieved thereby, in his own name and for his use and benefit, before any court of competent jurisdiction, and such person or member so offending shall also be deemed guilty of a misdemeanor.

CHAPTER 204, LAWS OF 1886.

AN ACT to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and eighty-five, entitled "An act to prevent the obstruction of Racket river and the east branch of St. Regis river, by depositing therein buttings, edgings and debris of saw-mills and other manufactories of wood, and imposing a penalty for so doing."

Sec. 1. It shall not be lawful for any person or persons, company or corporation engaged in the manufacture of lumber, shingles, box shooks or any manufacturer of wood upon Racket river and the east branch of the St. Regis, and the Oswegatchie river, in the State of New York, or for any other person to put into said rivers, buttings, edgings, slabs or debris from any mills engaged in the manufacturer of shingles, wood and lumber upon or adjacent to said rivers to be floated down the same, except saw-dust and planer shavings.

CHAPTER 155, LAWS OF 1816.

AN ACT declaring a part of the Oswegatchie river, in the county of St. Lawrence, a public highway.

1. *Be it enacted*, That all that part of the Oswegatchie river, from Streeter's mills, in the town of Rossie, to its juncture with

the St. Lawrence river, be and the same is hereby declared a public highway.

* * * * *

CHAPTER 205, LAWS OF 1854.

AN ACT declaring Oswegatchie river a public highway, and regulating the passage of logs and lumber down the same, and for the improvement of said river.

Sec. 1. The Oswegatchie river, from Wegatchie, in the town of Rossie, to the head of Cranberry lake, on the east branch thereof, and the fork of said river, running from the county line of St. Lawrence county through townships number fourteen and twelve, and emptying into said east branch, and to the junction of the two branches which form the west branch thereof, near the corner of lots nine hundred and sixty-three, nine hundred and sixty-four, nine hundred and eighty-seven, nine hundred and eighty-eight, in the town of Diana, Lewis county, is hereby declared a public highway for the purpose of floating logs and lumber down the same.

Sec. 2. On that part of said river hereby declared a public highway, no dam shall hereafter be erected without an apron or chute at least twenty feet in width, in the current of the river, of a proper slope for the passage of logs and lumber.

Sec. 3. All booms hereafter made on that part of said river, mentioned in the first section of this act, shall have an opening or passage way of at least twenty feet in width, and such passage way may be closed, except when necessary to be opened for the passage of logs and lumber.

Sec. 4. Any person wilfully obstructing, by booms or otherwise, the channel of that part of said river, so that the space above mentioned shall not be open for use, shall be liable to a penalty of twenty-five dollars for each and every day for the continuance of such obstruction, to be sued for and collected by any and every person aggrieved by such obstruction.

Sec. 5. Any person desiring to float logs or lumber down that part of said river, may construct a shoal, chute or apron, in

connection with any dam now across that part of said river, and may reconstruct any booms already made or constructed in, over and across that part of said river, in a suitable manner to allow logs and lumber to pass by the same, doing no unnecessary injury to the owners or occupants of said dams or booms, and paying to such owner or occupants for such damages as he or they may sustain by reason of the alteration of such dams or booms, nor shall this act be construed to impair or lessen any private or individual rights.

Sec. 6. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated: two thousand five hundred dollars during the year eighteen hundred and fifty-four, and two thousand five hundred dollars during the year eighteen hundred and fifty-five, for the purpose of improving the Oswegatchie river, from the village of Gouverneur to Cranberry lake, the head of the east branch, and the fork of said river running from the county line of St. Lawrence county through townships numbers fourteen and twelve, and emptying into said east branch, also the west branch thereof from its junction with the east branch to the county line in St. Lawrence county, to enable the timber and lumber from the upper waters of those streams to be floated to accessible points, for manufacture and transportation. The money hereby appropriated shall be expended for the purpose aforesaid, by and under the direction of Benjamin F. Skinner of Gouverneur, Justus B. Picket of Edwards, and Thomas J. Hazleton of Fowler, who are hereby appointed commissioners to execute this act, until others shall be appointed as hereinafter provided.

Sec. 7. The sum hereby appropriated shall be expended for the improvement of the main channel of said river, its fork and branches, for floating logs, timber and lumber, by clearing obstacles, and by piers, dams, booms and slides, to be so constructed as not unnecessarily to injure the use of the water power of said river, or cause other damages to lands of individual owners.

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CHAPTER 505, LAWS OF 1865.

AN ACT to provide for the improvement of the navigation of the Oswegatchie river, and of the hydraulic power thereon, and to check freshets therein.

Sec. 1. For the purpose of improving the navigation of the Oswegatchie river and the hydraulic power thereon, and checking freshets therein, a board of commissioners is hereby constituted to be termed commissioners for improvements on the Oswegatchie river.

Sec. 2. The said board shall consist of three commissioners, of whom a majority shall constitute a quorum for the transaction of business. The first commissioners shall be Henry G. Foote, Stephen B. Vanderzee, and Thomas J. Tate, of St. Lawrence county; and in all cases of the death, resignation, refusal to serve, removal from the county, or other disqualification, the county judge of the county of St. Lawrence, shall appoint a successor. The county judge shall also have the power of removal for cause to be specified in the order of removal.

Sec. 3. The Oswegatchie river, together with its branches and tributaries, and including Cranberry lake to the St. Lawrence river, is hereby declared a public highway.

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Sec. 5. The commissioners under this act are authorized and empowered to constitute, establish and improve Cranberry lake, as a reservoir for the purposes specified in the first section of that act; and shall excavate a channel out of said lake, or erect a dam at or near the outlet thereof, or make both said channel and dam as they may deem advisable, with gates whereby the waters of said lake may be retained and discharged, as the purposes of this act may require. If they decide to erect a dam, they shall cause a survey and map to be made of the said lake and of the lands around the same which will be overflowed, or be liable to be overflowed by a dam of such height as they shall deem necessary to erect. And also of any lot or parcel of land which they may deem necessary to take for the purpose of a dwelling place for the gate-keeper, and for a highway to their

works; and which map shall indicate, as near as may be, the different lots or tracts of land affected, the owners thereof, so far as they can ascertain the same, and the quantity of land required from each. And they shall file such survey and map in the office of the clerk of the county of St. Lawrence.

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Sec. 7. The commissioners shall purchase from the owners, the land under water in said lake, and the lands surrounding the same described in the map provided for in the fifth section of this act, if they agree with the owners on the terms of such purchase, and may take a conveyance thereof to themselves, their successors and assigns forever. If they do not ascertain who are the owners of such lands or any of them, or do not agree on the terms of such purchase, they may acquire such title in the manner prescribed in chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same, etc."

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Sec. 11. The commissioners shall cause the gates to be closed in times of freshet and floods, so as to check the same; and shall let out the water at such times as they may deem proper with the view of preserving, so far as practicable, a uniform flow of water in said river, for the benefit of the hydraulic power of the river and navigation thereon. The commissioners shall appoint a gate keeper and fix his compensation; such gate keeper shall hold his office at the pleasure of the board, and a successor shall be appointed so often as may be necessary.

Sec. 12. The said board shall maintain, repair and improve the works provided for by this act; and if they deem it necessary to add to their efficiency, as first constructed, by deepening the channel or raising the dam, or adding other reservoirs, at any time within six years from the passage of this act, they may do so in the same manner, and by the same proceedings and with the same force and effect, as hereinbefore provided, whenever they may receive a petition to that effect, from all of the persons liable to be assessed for the expenses, with the certificate of the



county judge, that it is proved to his satisfaction, that the signers of said petition are owners of property liable to be assessed for two-thirds of the expenses of such improvement. But nothing in this act contained shall be held or construed to affect or impair the rights, benefits or improvements granted, required or made under or by the provisions of chapter five hundred and seventy-seven of the laws of eighteen hundred and sixty-four, entitled "An act for the preservation of the public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh," passed May fourth, eighteen hundred and sixty-four.

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CHAPTER 326, LAWS OF 1878.

AN ACT declaring both branches of the Oswegatchie river, in the towns of Croghan and Diana, Lewis county, public highways.

Sec. 1. Both branches of the Oswegatchie river, running through the towns of Croghan and Diana, in the county of Lewis, from their sources to their point of junction in said town of Diana, are hereby declared and made public highways for the purpose of floating timber and logs thereon.

Sec. 2. No dam shall be hereafter erected on said branches of said river aforesaid without a sluice of not less than six feet nor more than ten feet in width, with one or more gates so located as to easily pass logs and timber.

Sec. 3. No boom shall be hereafter erected on either of said branches of said river aforesaid without a passage or water-way at least ten feet in width, and said water-way may be closed, except when necessary to be open for the purpose of floating logs and timber.

Sec. 4. Any person willfully obstructing said branches of said river aforesaid by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of

twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.

Sec. 5. Persons desirous of floating logs or timber down said branches of said river may construct a sufficient sluice and shute or apron in any dam across said branches, and may reconstruct any booms already constructed in, over, or across said stream in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant. Such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of such dam or boom in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dams or booms are situated, on the application of either party, and written notice of ten days to the other party, unless the parties agree. And said county court shall always be open for such application.

Sec. 6. The damages sustained by the riparian owners on said branches of said river shall be assessed by three commissioners to be appointed by the supreme court. The report of said commissioners to be filed in said county court. The commissioners to receive three dollars per day, to be paid by the person or persons making application for such commission.

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Sec. 10. Any riparian owner aforesaid may release to the people of this state all claims for damages provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner, or any commissioners appointed under this act to whom such notice may be given.

CHAPTER 15, LAWS OF 1819.

AN ACT to amend an act entitled "An act declaring the Schroom river a public highway."

I. *Be it enacted*, That from and after the passing of this act, it shall and may be lawful for any person or persons, for the purpose of securing lumber in the Scroon river, between the coun-

ties of Washington and Essex, to make and extend booms in said river in any direction whatever; and booms so extended shall not be deemed or considered obstructions in law: Provided, That a space of forty feet wide on either side of said river shall at all times be kept open and clear for the purpose of rafting through lumber.

II. *And be it further enacted*, That any person or persons, cutting or destroying any such booms so made, or shall be the means of so doing, whereby any lumber secured in the same shall be removed, any such person, so offending, shall be liable to a penalty of fifty dollars, at the suit of the party grieved, and to pay to the owner or owners of such lumber treble damages: And further, That all acts heretofore made respecting lumber on the Hudson river, are hereby declared to apply, in every respect, to the said Scroon river.

CHAPTER 304, LAWS OF 1830.

AN ACT further to amend the Act "declaring the Scroon River a public Highway."

Sec. 1. It shall be lawful for the owners and occupants of the mills now owned and occupied by Dudley Farlin and George Pattison, on the Scroon river, in Warrensburgh, to erect and keep up from time to time, on and across the said river, at any place not more than fifty rods above the bridge on said river, called Farlin's bridge, and also at the place called Powers and Taylor's mills, up said river, any booms or pieces of timber sufficient for the purpose of stopping and securing logs and lumber floating down the said river.

Sec. 2. The person or persons who shall have erected such boom or booms across said river, shall, within ten days after he or they shall have received proper notice by any person or persons who have lumber to transport down said river, open the said booms, and keep them open a reasonable time to allow such lumber to pass through and down said river, to the width of forty feet, as is now provided by law.

CHAPTER 58, LAWS OF 1852.

AN ACT further to amend the act "declaring the Schroon river a public highway."

Sec. 1. Section second of an act of the legislature of the state of New York, passed April 20, 1830, entitled "An act further to amend the act declaring the Schroon river a public highway," is so amended as to read as follows: the person or persons who shall have erected such boom or booms across said river, shall, within ten days after he or they shall have received proper notice by any person or persons who have lumber to transport down said river, open the said booms, and keep them open a reasonable time to allow such lumber to pass through and down said river to the width of twenty-six feet, as is now provided by law.

CHAPTER 162, LAWS OF 1856.

AN ACT for improving Trout brook, a branch of the Schroon river, and its tributaries.

Sec. 1. The sum of twenty-five hundred dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, as follows: Twelve hundred and fifty dollars in the year one thousand eight hundred and fifty-six, and a like sum of twelve hundred and fifty dollars in the year one thousand eight hundred and fifty-seven, for the purpose of removing obstructions in the said stream, the erection of dams across the same as may be necessary for the purpose of the free passage of logs and other lumber over and through the channels of the said stream, and its tributaries, as far down as the point where it unites with the Schroon river, near Pottersville, in the county of Warren; which money shall be expended by and under the direction of Samuel T. Richards, of Warrensburgh, and Homer A. Fenn, of Pottersville, both of the county of Warren, commissioners, hereby appointed.

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CHAPTER 430, LAWS OF 1865.

AN ACT declaring the western branch of Schroon river, in the county of Essex, a public highway.

Sec. 1. The stream of water in the county of Essex, known as the west branch of Schroon river, from Mud pond in the town of North Hudson to the main branch of Schroon river in the town of Schroon, is hereby declared a public highway, for the purpose of floating and transporting logs, timber and lumber.

Sec. 2. Orson Richards, of Sandy Hill, in the county of Washington, James Morgan, of Glens Falls, Warren county, and Joel F. Potter, of the town of Schroon, Essex county, are hereby appointed commissioners for the purpose of making improvements in said river at the expense of such private individuals as are disposed to contribute for such an object.

Sec. 3. The said commissioners, before entering upon the duties of their office, shall execute and file in the office of the county treasurer of Essex county, a bond with sufficient sureties, to be approved by him, in the penal sum of eight thousand dollars, conditioned for the faithful performance of their duties under this act, and they shall receive no compensation for their services.

CHAPTER 590, LAWS OF 1870.

AN ACT declaring Platt brook, in the town of Schroon, county of Essex, and State of New York, a public highway.

Sec. 1. Platt brook, in the town of Schroon, in the county of Essex, and State of New York, is hereby declared and constituted a public highway for the purpose of floating logs, timber or lumber down the same; and that upon said brook no person shall hereafter be allowed to erect any dam without an apron or chute of at least twenty feet wide, in the current of said stream, in the roll-way of said dam, of a proper slope, and of good and sufficient supports and fixtures for the purpose of running logs, timber or lumber; and that any person or persons, desiring to float logs, timber or lumber down said stream, may construct a shoal, or slip, or apron, in connection with any dam, in a suitable

manner to allow logs, timber or lumber to pass down, no unnecessary injury or damage being done to the owners or occupants of the land, or the fixtures along said stream, and paying to such owners or occupants such damages as he or they may sustain by the construction of such dams and the flowing of the water by the same, or by any carelessness or inattention of such persons or their employees in and about such dams, to be appraised by three commissioners to be appointed by the county court of the county of Essex, on the application of any person entitled to and claiming such damages, on ten days notice in writing being given by the party claiming to the opposite party of the time and place of making such application.

Sec. 2. In case of any person making such necessary improvements, or doing any unnecessary injury or damage to the lands or fixtures along said stream, shall, within eight days from the aforesaid notice, tender to the party complaining a sum in current money of the United States sufficient to pay such actual damages, together with the necessary expense of making and serving such notice, then the party complaining shall pay all costs and expenses of the appointment of such commissioners, and their services in appraising such damages.

Sec. 3. In case the party complained against shall fail to tender or pay within eight days after the service of notice upon him to the party complaining, such reasonable damages and costs as aforesaid according to the award of said commissioners, then the party complained against shall pay all costs as above, and also the award of said commissioners, to be sued for and collected before any court of competent jurisdiction to try the same according to the laws of this State.

Sec. 4. Any person making claim for damages under this act, shall make application for the same, and make service of the notice required, within one year from the time such damage accrued, or be forever barred from recovering the same. Any person willfully obstructing by booms, or dams, or otherwise, the channel of said stream so that the space of twenty feet in the channel thereof, shall not be open for the use, when necessary for the purpose of running logs, timber or lumber, shall be liable

to a penalty of fifty dollars for each and every day of the continuance of such obstructions, to be sued for and collected in the name of the person injured, before any court of competent jurisdiction according to the laws of this State. The State shall in no case be liable for any damages to owners or occupants of lands, or fixtures, upon the said brook hereby declared to be a public highway.

CHAPTER 107, LAWS OF 1821.

AN AOT declaring a part of the Black River a public Highway, and for other purposes.

I. Be it enacted, That such part of the Black River in the counties of Lewis and Jefferson, as is contained between the high falls in Turin and the toll bridge over said river at the village of Carthage, (so called,) in the town of Wilna, be and it is hereby declared to be a public highway.

II. And be it further enacted, That if any person shall dam up, or obstruct the navigation of the waters aforesaid, between said high falls and bridge, by building or erecting any works, or by cutting or falling wood or timber in the Moose river, (the distance of two miles above the high falls,) or in said Black river, between said high falls and the toll bridge aforesaid, such person or persons so offending, shall forfeit for each offence the sum of ten dollars, to be recovered with costs of suit, in any court having cognizance thereof, by any person who will prosecute for the same to effect; the one moiety thereof to be paid to the commissioners of highways of the town in which such offence shall happen, to be by them laid out and expended in improving the roads, or erecting bridges in the said town, and the other moiety to be for the use of the person who shall so prosecute the same: Provided, That nothing in this act shall go to prevent any person or persons from rafting any timber or lumber on said waters: Provided, however, That nothing contained in this act shall be construed to affect or destroy the private or vested rights of any individual, in or about said waters, or the lands adjacent.

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CHAPTER 452, LAWS OF 1853.

AN ACT declaring Black river a public highway, and regulating the passage of logs and lumber down the same, from the Moose river tract to the junction with Moose river, and for the improvement of the said river.

Sec. 1. The Black river, from the junction with Moose river, to the Moose river tract, in Herkimer county, is hereby declared a public highway for the purpose of floating logs and lumber down the same.

Sec. 2. On that part of the said river hereby declared a public highway, no dam shall be hereafter erected without an apron or shute, at least, twenty feet in width, in the current of the river, of a proper slope for the passage of logs and lumber.

Sec. 3. All booms hereafter made on that part of said river mentioned in the first section of this act, shall have an opening or passage-way of at least twenty feet in width, and such passage-way may be closed, except when necessary to be opened for the passage of logs and lumber.

Sec. 4. All persons willfully obstructing, by booms or otherwise, the channel of that part of said river, so that the space above-mentioned shall not be open for use, shall be liable to a penalty of twenty-five dollars for each and every day of the continuance of such obstruction, to be sued for and collected by every or any person aggrieved by such obstruction.

Sec. 5. Any person desiring to float logs or lumber down that part of said river, may construct a shoal, shute or apron, in connection with any dam now across that part of said river, and may reconstruct any booms already made or constructed in, over and across that part of said river, in a suitable manner to allow logs and lumber to pass by the same, doing no unnecessary injury to the owners or occupants of said dams or booms, and paying to such owner or occupants for such damages as he or they may sustain by reason of the alteration of such dams or booms; nor shall this act be construed to impair or lessen any private or individual rights.

Sec. 6. The sum of five thousand dollars is hereby appropriated, out of any moneys in the treasury belonging to the general

fund not otherwise appropriated, and to be payable, one-half of said sum in eighteen hundred and fifty-three, and the balance in eighteen hundred and fifty-four, for the purpose of improving Black river from the junction with Moose river to township number five of the Moose river tract, in Herkimer county; which moneys shall be expended under the direction of Alfred N. Hough, Gardner Hinckley, and Anson Blake, junior, commissioners hereby appointed for that purpose.

Sec. 7. The said sum of five thousand dollars, belonging to the general fund, hereby appropriated, shall be expended in clearing out rocks, stones, and other obstructions, up, through and along that part of said river, to the width of thirty feet; also for the construction of such piers, booms and dams as may be necessary for the safe passage of logs and lumber down the said river; and it shall be lawful for said commissioners to contract for said work, payable one-half in eighteen hundred and fifty-three, and the balance in eighteen hundred and fifty-four, without interest.

Sec. 8. The said commissioners shall, before entering upon the duties of their office, execute and file in the office of the comptroller, a bond, with sufficient sureties to be approved by the comptroller, in the penal sum of ten thousand dollars, conditioned for the faithful performances of their duties.

Sec. 9. The said commissioners shall receive for their services one dollar and fifty cents per day, while actually employed in the duties of their said office, out of the moneys hereby appropriated; and they shall make a report of their proceedings, on oath, to the comptroller, on or before the first days of December, eighteen hundred and fifty-three and eighteen hundred and fifty-four.

CHAPTER 252, LAWS OF 1823.

AN ACT to prevent obstructions in the East and West Stoney Creeks, in the Town of Hope, in the County of Hamilton.

Whereas several of the inhabitants of the Town of Hope, in the county of Hamilton, have represented the necessity of pas-

sing an act to prevent obstructions in the creeks, called East and West Stoney Creeks, in said town of Hope, and have prayed legislative interference in the premises: Therefore,

Be it enacted, That if any person or persons shall, after the first day of August next, cut down or cause to be cut down, any tree or trees, or discharge any logs or branches of trees, or any other timber, into either of the said creeks, and shall suffer the same to remain over two days, such person or persons, for each and every such offense, shall forfeit the sum of five dollars, to be recovered with costs, in any court having cognizance thereof, for the benefit of the poor of the town in which such offense shall be committed: Provided, That nothing in this act contained, shall prevent any person or persons erecting any permanent improvement on or across either of the said creeks.

CHAPTER 257, LAWS OF 1824.

AN ACT declaring the Grass River, in the county of St. Lawrence, a Public Highway, and for other purposes.

I. *Be it enacted*, That the Grass river, in the county of St. Lawrence, from the High Falls upon the said river, in the town of Canton, to the mouth of the same at its junction with the river St. Lawrence, be, and the same is hereby declared a public highway: * * * .

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CHAPTER 210, LAWS OF 1854.

AN ACT to improve the Grass river, in St. Lawrence county, for floating timber and saw logs, and to declare the same a public highway.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury, not otherwise appropriated: two thousand five hundred dollars during the year eighteen hundred and fifty-four, and two thousand five hundred dollars during the year eighteen hundred and fifty-five, for the purpose of improving said river from the town of Madrid, to the

township called Jamestown, in great tract number two of Macomb's purchase, all in the county of St. Lawrence, to enable the timber and lumber from the upper waters of said river to be floated to accessible points for manufacture and transportation. The money hereby appropriated shall be expended for the purpose aforesaid, by and under the direction of Charles H. Allen of Canton, and Russell Knox of Russell, who are hereby appointed commissioners to execute this act, until others shall be appointed, as hereinafter provided.

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Sec. 5. The main stream of the Grass river, from the town of Madrid to the south line of the township called Jamestown, is hereby declared a public highway, for the purpose of floating logs, timber and lumber. No dam shall hereafter be erected across said river, between the points aforesaid, without a slide or apron, below such dam, in the main channel, at least thirty feet wide, for passage of logs and timber over such dam; and all existing dams on said river, in respect to such slides or aprons, shall be subject to the requirements of the act entitled "An act declaring the Grass river, in the county of St. Lawrence, a public highway," passed April 12, 1824.

Sec. 6. All booms of individuals, on said river, shall have an open passage way in the main channel of said river at least thirty feet wide, for passage of logs and timber; but said passage way may be closed, except when necessary to run logs or timber past such booms.

CHAPTER 170, LAWS OF 1857.

AN ACT making further appropriation and provision for the improvement of Grass river, in St. Lawrence county, for floating timber and saw-logs.

Sec. 1. The sum of three thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to complete the improvement of Grass river for floating timber and saw-logs from the south line of the township called Jamestown, in great tract number two of Macomb's purchase to the south line of the town of Madrid, in St. Lawrence county.

The said money shall be expended by Charles H. Allen and Russell Knox of said county, the commissioners appointed by chapter two hundred and ten of the laws of one thousand eight hundred and fifty-four, in completing the improvement of said river, from the high falls in Clifton township to the south line of Jamestown township, by removal of obstructions and erection of dams and other works necessary to render the river floatable for logs and timber.

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CHAPTER 83, LAWS OF 1869.

AN ACT to provide for the improvement of Grasse river, and of the water-power thereon, and to check freshets therein.

Sec. 1. For the purpose of improving the navigation of Grasse river and the water-power thereon and checking freshets therein, a board of commissioners is hereby constituted, to be called "Commissioners for the improvement of Grasse river."

* * * * *

Sec. 4. It shall be the duty of said commissioners to make or cause to be made, as soon as possible, and with sufficient completeness and accuracy to determine as near as may be, the probable cost of the improvement, such surveys, measurements and examinations as shall be necessary and sufficient to show the practicableness of making a reservoir, so as to include Massawepie Lake, Catamount Pond, Jock Pond, and other contiguous ponds, discharging their waters into said Grasse river, or some one or more of them, either by deepening the outlet of said lakes and ponds or either of them, or by building a dam across said Grasse river, below the outlets of said lakes and ponds, or any of them, so as to set back the waters into said lakes and ponds, and upon and over the marshes and other lands near them, so that said reservoir may be used to render the flow of water in said Grasse river more equal and uniform for use for water-power, including the cost of land covered by the waters of said lakes and ponds, or such of them as shall be used for the purposes of such reservoir, and of such lands as

shall be flowed thereby, the expense of such surveys, measurements and examinations as aforesaid, to be assessed and collected as provided in section seven of this act.

Sec. 5. Whenever the owners of water-powers upon said Grasse river, to the extent of two-thirds in value, as they are assessed and valued upon the assessment rolls of the several towns in which they are assessed, of all the water-powers now in use on said river, shall consent in writing thereto, the said commissioners shall proceed to construct said dam, or to deepen said outlets, or both, according to the aforesaid plans, surveys and measurements, as near as may be, and the said plan shall not be essentially changed, enlarged or diminished, except by the like consent of the owners of two-thirds in value of water-power on said river.

Sec. 6. Whenever consent shall be given as aforesaid, then the said commissioners under this act are authorized and empowered to constitute, establish and improve the said Massawepie lake, Catamount pond, Jock pond, and other adjacent ponds, with the intervening and surrounding lands and marshes, as a reservoir, for the purposes mentioned in the first section of this act, and shall erect a dam at or near the junction of the outlet of Jock pond and Grasse river, with suitable gates whereby the waters of said reservoir may be retained and discharged, as the purposes of this act may require, and they shall cause a survey and map to be made of the said lake and ponds, and of the lands around the same which will be overflowed or be liable to be overflowed by a dam of such height as they shall deem necessary to erect. And also of any lot or parcel of land which they may deem necessary to take for the purpose of a dwelling place for the gate-keeper, and for a highway to their works; and which map shall indicate as near as may be the different lots or tracts of land affected, the owners thereof so far as they can be ascertained, and the quantity of land required from each, and they shall file such survey and map in the office of the clerk of the county of St. Lawrence.

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CHAPTER 801, LAWS OF 1872.

AN ACT for the improvement of the main, middle and north branches of Grass river.

Sec. 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, ten thousand dollars in the year eighteen hundred and seventy-two, and ten thousand dollars in the year 1873, for the purpose of improving the main, middle and north branches of Grass river, which money shall be expended by and under the direction of Jeremiah Traver, Lucius Moody, and the State Engineer and Surveyor, who are hereby appointed to constitute a board of commissioners to carry into effect the provisions of this act. A majority of said commissioners shall constitute a quorum for the transaction of business.

Sec. 2. The said sum of twenty thousand dollars, so appropriated for the purpose aforesaid, shall be expended by said commissioners in clearing and improving the channels of the main, middle and north branches of said river, and in erecting dams, slides, piers, booms and such other erections as said commissioners shall deem most conducive to the improvement of said river for the passage of logs, timber and lumber over and through said channels.

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CHAPTER 91, LAWS OF 1886.

AN ACT to amend chapter two hundred and ten, laws of eighteen hundred and fifty-four, entitled "An act to improve Grass river, in St. Lawrence county, for floating timber and saw-logs, and to declare the same a public highway."

Sec. 5. The Grass river and its branches, namely, the north branch, middle branch or main or southern branch, from its mouth where it empties into the St. Lawrence river to the respective sources of said branches, is hereby declared a public highway, for the purpose of floating logs, timber and lumber. No dam shall hereafter be erected across said river, between the

points aforesaid, without a slide or apron below such dam in the main channel, at least thirty feet wide, for passage of logs and timber over such dam; and all existing dams on said river, in respect to such slides or aprons, shall be subject to the requirements of the act entitled "An act declaring the Grass river, in the county of St. Lawrence, a public highway," passed April twelfth, eighteen hundred and twenty-four.

* * * * *

Sec. 6. All booms of individuals on said river shall have an open passageway, at least thirty feet wide, practicable and convenient, for passage of logs and timber; but said passage may be closed, except when necessary to run logs and timber past such booms.

CHAPTER 375, LAWS OF 1886.

AN ACT in relation to floating logs, lumber or other timber in Grass river, in the county of St. Lawrence.

Sec. 1. Any person or corporation who shall hereafter erect any boom or booms or works others than dams, in or across the Grass river and its branches in the county of St. Lawrence for the purpose of shipping or securing lumber, logs or other timber, or any other proper or necessary purpose, shall, within twenty-four hours after he or they, or his or their agents, shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers open the said booms or other works, so as to permit the assorting and passage and to allow such lumber, logs and other timber to pass through and down said rivers; * * * * . The cost and labor of such assorting and passage shall be borne by the parties owning the logs, lumber or timber so assorted in proportion to their respective interests. After the expiration of the time of said notice, the party or parties desiring such logs, lumber or timber to pass below such booms shall have the right to go upon such booms and sort and pass below such logs, lumber or timber.

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CHAPTER 650, LAWS OF 1886.

AN ACT to provide for the improvement of Grass river and its north branch, middle branch, main or southern branch in the county of St. Lawrence, and to make appropriation therefor.

Sec. 1. The sum of six thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of removing obstructions and otherwise improving the navigation of Grass river and the branches of the same, public highways for the passage of lumber, logs and other timber in the county of St. Lawrence.

Sec. 2. The work shall be done under the direction of the Superintendent of Public Works, subject to such rules and regulations as he may deem for the best interests of the State.

CHAPTER 279, LAWS OF 1891.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and eighty-nine, entitled "An act in relation to floating logs, lumber or other timber in Grass river in the county of St. Lawrence."

Sec. 1. Any person or corporation now or hereafter owning or controlling any boom or booms or works, other than dams, in or across the Grass river, and its branches in the county of St. Lawrence for the purpose of shipping or securing lumber, logs or other timber or any other proper or necessary purpose, shall, within twenty-four hours after he or they, or his or their agents, shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers, or within twenty-four hours after the height of the waters in said rivers will permit, if at time the said notice shall have been received the water be so high that working on said boom or booms would endanger the safety of life or property, open said booms or other works and to allow to pass down the river such lumber, logs or timbers without expense to the owner or owners thereof, or open said

booms or other works so as to permit the assorting and passage and to allow such lumber, logs and other timber to pass through and down said rivers; and for a failure of so doing shall be liable to a penalty of fifty dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and in addition shall be liable for all damages sustained by any person in consequence of such obstructions; and any person willfully obstructing, by booms or otherwise, the channels of said rivers, so that the space of thirty feet shall not be open for use, shall be liable for the penalty named in this section, to be recovered by the party aggrieved. The cost and labor of such assorting and passage shall be borne by the person or persons owning such boom or booms. After the expiration of the time of said notice, the party, or parties desiring such logs, lumber or timber to pass below such booms shall have the right to go upon such booms and sort and pass below such logs, lumber or timber.

CHAPTER 273, LAWS OF 1846.

AN ACT declaring the River Saranac a public highway.

Sec. 1. The Saranac river, including the two main branches thereof and lakes connected therewith, is hereby declared a public highway to the lower dam in the village of Plattsburgh, for the floating of timber, logs and lumber, and other proper public uses; provided however, that nothing in this act contained shall be so construed as to prevent the erection of any dam across said river for the purpose of raising water to carry any mill or machinery, nor the putting of any boom across said river or branches for securing timber and saw logs, or for any other purpose or necessary purpose, nor to be so construed as to extend to or effect any dam or boom across or mill upon said river now erected or hereafter to be erected, as aforesaid, otherwise than is provided in this act, or may be otherwise provided by law; and provided further, that nothing in this act contained shall be so construed as to impair or abridge any private or individual rights, and any mill dam hereafter to be erected in said river,

shall be constructed with a chute or apron sufficient for the purposes above mentioned.

Sec 2. Any person or persons interested in the improvement of the navigation of the said river, or desirous to float logs, lumber or other commodities thereon, may, at his or their own expense, alter any dam now erected, or to be hereafter erected upon said river, by making a chute, slope or apron thereto, so that timber, logs and rafts may conveniently and safely run and be conducted over the same; and may, at his or their own expense, also, so alter or reconstruct such portions of the booms above mentioned and provided for, so far as shall be necessary to admit the convenient passage of logs, timber and rafts, without, however, endangering or impairing thereby the rights and property of the owners or occupants of said booms, and the person or persons so constructing such chute or apron shall pay to the owner of such mill all damages which may accrue or arise in consequence of such construction or the loss of time or water by means thereof.

Sec. 3. The owner or occupant of any dam now erected or hereafter to be erected upon said river, may by notice in writing, require any person or persons, before floating any lumber, logs or timber over such dam, to make the slope or apron above mentioned; and in case of omitting so to do after notice so given, the person or persons so floating lumber, logs or timber over such dam, shall be liable to pay all damages occasioned thereby, with costs of suit, to the person or persons entitled thereto.

Sec. 4. If any person shall obstruct or dam up the navigation of the said river otherwise than as herein provided, he shall forfeit the sum of twenty-five dollars, to be recovered by any person who shall sue for the same, with the costs of suit, and shall also be liable for all damages sustained by any person or persons in consequence of such obstruction.

CHAPTER 362, LAWS OF 1851.

AN ACT for the improvement of the Saranac River and Lakes.

Sec. 1. The sum of five thousand dollars for each of the years one thousand eight hundred and fifty-two, and one thousand

eight hundred and fifty-three, is hereby appropriated out of any monies in the treasury not otherwise appropriated, for the purpose of cleaning and improving the channel of the Saranac river, and the channel connecting the upper and lower Saranac lakes and their tributaries, which sums of money shall be expended by and under the direction of George Parsons, of Saranac, and Moss K. Platt, of Plattsburgh, in the county of Clinton, and Robert Gilchrist, of Johnsburgh, in the county of Warren.

Sec. 2. The said commissioners, before entering upon the duties of their office, shall execute and file in the office of the comptroller a bond, with sufficient sureties to be approved of by the comptroller, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of their duties.

Sec. 3. The aforesaid commissioners shall receive for their services, two dollars for each day actually employed in the duties of their office, shall execute and file in the office of the annually report their proceedings and expenditures, on or before the first day of December in each year, verified by their oath to the comptroller.

Sec. 4. The comptroller shall have power to fill all vacancies that may occur in said board of commissioners.

CHAPTER 221, LAWS OF 1853.

AN ACT to amend an act entitled "An act declaring the river Saranac a public highway," passed May 13, 1846.

Sec. 1. Section two and section three of "An act declaring the river Saranac a public highway," passed May 13, 1846, are hereby repealed.

Sec. 2. All the provisions of the aforesaid act declaring the river Saranac a public highway, as amended by this act, are hereby made applicable to the Summer brook, a tributary of the river Saranac.

Sec. 3. Any person or persons who shall hereafter erect any boom or booms, or works other than dams, in or across the waters referred to in section one of the aforesaid act declaring

the river Saranac a public highway, as herein amended, for the purpose of stopping or securing lumber, sawlogs or other timber, or for any other proper or necessary purpose, shall, within seven days after he or they shall have received proper notice by any person or persons who shall have lumber, sawlogs or other timber to transport on the said waters, open the said booms or other works to the width of twenty feet, and keep them so open a reasonable time to allow such lumber, sawlogs or other timber to pass through and down said waters, and for a failure of so doing shall be liable to the penalty prescribed in section four of the aforesaid act declaring the river Saranac a public highway.

Sec. 4. Persons desirous of floating lumber, sawlogs or other timber, in or down the waters referred to in section one of the aforesaid act declaring the river Saranac a public highway, as herein amended, may reconstruct any booms, already constructed, in, over or across said waters, in such manner as to allow lumber, sawlogs or other timber to pass by or through the same, doing no unnecessary injury to the owner or occupant of said booms, and paying to such owner or occupant such damages as he or they may sustain by reason of the alteration of said booms; to be appraised by three commissioners to be appointed by the county court of the county in which such booms are located, on the application of any person interested in the appraisal of such damages, on ten days' notice in writing to the opposite party or parties of the time and place of making such application; and in appraising the damages to the owner or owners of any such boom, the said commissioners shall take into account the benefits accruing to such owner or owners from the expenditure of the appropriation from the state for the improvement of the Saranac river; such boom, which shall be so reconstructed as aforesaid, and the owners and occupants thereof, shall thereafter be subject to the provisions of section three of this act.

Sec. 5. Any person making claims for damages, arising under this act, shall apply for the same within three years from the accruing of the same, or be barred from recovering the same.

CHAPTER 235, LAWS OF 1854.

AN ACT for the improvement of the Saranac river and lakes.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury belong to the general fund and not otherwise appropriated, two thousand five hundred dollars in the year eighteen hundred and fifty-four, and two thousand five hundred dollars in the year eighteen hundred and fifty-five, for the purpose of improving the navigation and channel of the Saranac river, and the channel connecting the upper and lower Saranac lakes and their tributaries, which money shall be expended by and under the direction of Loring Ellis and Almond Thomas, of the county of Clinton and Joseph Woodward, of Warren county, commissioners hereby appointed for that purpose.

Sec. 2. The said sum of five thousand dollars is hereby appropriated for clearing and improving the rafting channel of the said Saranac river by the construction of such piers, booms and dams, and removing such obstructions as may be necessary for the passage of logs and other lumber over and through said Saranac river and the channels and tributaries aforesaid, and for the purpose of making such reservoirs of the waters of said river and its tributaries as may be necessary for the purpose aforesaid.

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CHAPTER 684, LAWS OF 1871.

AN ACT to provide for the improvement of the hydraulic power of the north branch of the Saranac river, and to improve the navigation of said north branch.

Sec. 1. For the purpose of improving the hydraulic power of the north branch of the Saranac river, and to improve the navigation of said branch, a board of commissioners is hereby constituted to be termed and known as Commissioners for the Improvement of the North Branch of the Saranac River.

Sec. 2. The said board shall consist of three commissioners,
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Sec. 4. The commissioners under this act are hereby authorized and empowered to make, establish and improve, Round pond, Lillypad pond, and Rainbow pond, and the waters connecting the same in township ten, in the town of Franklin, and township eighteen in the town of Brighton, both in the county of Franklin, as a reservoir for water for the purposes specified in the first section of this act, and for that purpose to erect and maintain a dam at or near the outlet of Round pond aforesaid, of such height as they shall deem necessary, and with gates whereby the waters of said reservoir may be retained and discharged, at such times as may benefit the hydraulic power of the river and the passage of timber and logs down its channel, provided, however, that before overflowing any lands above the outlet of Round pond by the erection of such dam the said commissioners shall acquire title to such lands by purchase or gift, if they can agree with the owners therefor; and if they are unable to agree with the owners of said lands liable to be overflowed, or any of them, and shall pay all damages to lands injured by the raising of water in said ponds or outlets, the said commissioners may, and they are hereby authorized to acquire title to the same, in the manner and by proceedings similar to those prescribed in chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad companies, and to regulate the same." The said commissioners shall not overflow said lands until the amount awarded as compensation to me made to the owner shall have been paid or deposited as required by the provisions of said chapter one hundred and forty.

Sec. 5. Any and every person who shall willfully interfere with or injure any of the works, gates or structures made or erected under the provisions of this act shall be deemed guilty of a misdemeanor; and the said board of commissioners or their assigns may also maintain an action for any damage to such works, gates or structures.

Sec. 6. Nothing in this act contained shall be deemed or construed to render the State liable for any expense which may be

incurred under any of the provisions thereof, nor for damage which may result from the erection, use or maintenance of the dam or reservoir authorized to be erected and constructed by this act.

CHAPTER 685, LAWS OF 1871.

AN ACT to incorporate the Saranac River Improvement and Lumber Company.

Sec. 1. James H. Totman, Spencer C. Gunn, Cornelius T. Gunn, George W. Hartwell, James Hammon, and their associates and successors, are hereby declared a body corporate in fact and in law, under the name of the "Saranac River Improvement and Lumber Company;" under which name they shall have succession, with power to purchase, hold and improve such real estate as may be necessary for the purposes contemplated in this act. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be transferable in such manner as the by-laws of the said corporation may direct. The said corporation may commence business so soon as ten thousand dollars of the capital stock shall be in good faith subscribed, and twenty-five per cent thereof paid in, and shall commence business within one year from the passage of this act, and shall, within two years from the first day of April, eighteen hundred and seventy-one, have the river so improved as to run logs from Hunter's Home to Goldsmith's pond.

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Sec. 3. The object and business of said corporation shall be to improve the Saranac river and the south branch thereof from the outlet of the Lower Saranac lake to the lower dam in the village of Plattsburgh, and also the north branch of said river from Hunter's Home to the junction of said north branch with the south branch of said river, and to make the same navigable for the floating and running of logs down the same, and further to carry on the business of floating and running logs down said river and the branches thereof to the several booms above the saw-mills thereon.

Sec. 4. The said corporation is hereby authorized and empowered to clear out, deepen and improve, by shutes or flumes the channel of said river between the points mentioned in the preceding section, as may be deemed necessary to afford a sufficient depth of water to readily and conveniently float logs down said river; and to build and maintain reservoirs of sufficient capacity to furnish a supply of water for that purpose, and to make and maintain, by the construction of booms, convenient passages through the ponds of said river and its branches, to the channel below said ponds, and to build shutes for the passage of logs over the dam on said river and its branches. And the said company is hereby authorized to charge for floating and running logs down said river and its branches, at a rate not exceeding one-half cent per mile, per standard of twenty-two inch measure, and such reasonable charge as they may fix and determine, not exceeding five cents per standard of twenty-two inch measure, for passing logs through such shutes and flumes just below Hunter's Home, upon the north branch of said Saranac river, which shall be paid to said company for all logs run by them, or in the drives under their care and supervision, by the person, persons or firm owning said logs, and the said company shall have a lien upon said logs until such charge is paid. Nothing herein contained shall be construed to authorize the said company to take or appropriate any dam or pond now on said river, except for the purpose of building the shutes, flumes or booms hereinbefore provided for; or to take any unimproved power except solely for the purpose of said reservoirs, or to deprive the owner of any water power or water privilege of any right to use the water of said river that he now possesses.

Sec. 5. The owner of logs floated down the Saranac river, or its branches, shall provide and maintain proper side booms for the reception and storage of the logs at their place of destination, so constructed as to leave at all times a channel or passageway through the pond of the width of twenty feet, for the passage of logs and timber to the channel below.

Sec. 6. The damages sustained by any parties by reason of damming said river and branches and setting water back upon their lands, and making said reservoirs or for taking lands for the purposes of such shutes and flumes, or running said shutes or flumes over such lands may be settled and adjusted by agreement and release between the owner or owners of said lands and said corporation, and such agreement or release shall be recorded in the county clerk's office of the county in which said lands are situate, and shall forever preclude such owner or owners from all further claim for damages; and in case said several parties and said corporation cannot agree upon the amount of damages, the same shall be assessed by three commissioners to be appointed by the county court of the county of which the lands are situate, upon the petition of the commissioners herein named; and the commissioners so appointed shall take the oath of office prescribed by the constitution, and shall proceed, on six days' notice of the time and place, served on the owners or occupants of the lands proposed to be taken, and take a view of the lands and premises, and hear the parties and such witnesses as may be produced before them, and shall assess the damages required to be assessed, and the assessment agreed to by a majority of them shall be valid; an award for the same shall be made and delivered to the party or parties entitled thereto, and shall be paid upon demand by said corporation, and when paid, said award shall be filed in the county clerk's office of the county in which said lands are located, and which shall ever preclude such parties or their representatives or assigns from all further claim for damages. The said commissioners are hereby authorized to administer oaths to witnesses, which may be produced before them, as provided by this section. The said commissioners shall be entitled to five dollars per day each, for time actually spent in the investigation of the question of damages under this section, and all costs of commissioners shall be paid by the said corporation.

Sec. 7. The corporation hereby created shall possess all the powers and be subject to the liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Sec. 8. This act shall not be construed to repeal, modify, or in any way change the law of eighteen hundred and fifty-three, declaring the Saranac river a public highway.

CHAPTER 375, LAWS OF 1882.

AN ACT to provide for the improvement of the north branch of the Saranac river in the counties of Clinton and Franklin, and to make an appropriation therefor.

Sec. 1. The sum of six thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of removing obstructions from, and otherwise improving the north branch of the Saranac river, public highways for the passage of lumber, logs and other timber, in the counties of Clinton and Franklin.

Sec. 2. Within thirty days after the passage of this act, or as soon thereafter as possible, the governor shall appoint three persons who shall constitute a board of commissioners, whose duty it shall be to superintend and control the removal of obstructions, and the making of improvements in the river designated in the preceding section of this act, in such manner as in their judgment will best facilitate the passage of lumber, logs and other timber over the same. The commissioners appointed under this act shall serve without any compensation save their actual expenses, to be audited and paid by the comptroller out of the moneys herein appropriated.

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CHAPTER 359, LAWS OF 1890.

AN ACT for the improvement of the south branch of the Saranac river, and making an appropriation therefor.

Sec. 1. The sum of five thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated for the improvement of the channel at the little falls,

between Round lake and Lower Saranac lake in the south branch of the Saranac river, which money shall be expended by and under the direction of the state engineer and surveyor.

CHAPTER 406, LAWS OF 1849.

AN ACT to provide for improving the upper waters of the Hudson River.

Sec. 1. The sum of ten thousand dollars is hereby appropriated, out of any moneys in the treasury of this state not otherwise appropriated, for the purpose of improving the upper waters of the Hudson river, which shall be expended by and under the direction of Daniel Stewart of Warren, Jeremy Rockwell of Saratoga, and Jacob Parmeter of Essex counties, commissioners hereby appointed for that purpose, as follows:

First Two thousand dollars in clearing the rafting channel from the foot of the rapids at the head of the Glen's Falls feeder pond up to the high or Hadley Falls.

Second. One thousand and five hundred dollars for clearing the rafting channel from Phelp's bay up to the Barber mill pond.

Third. Two thousand and five hundred dollars in clearing the rafting channel in the Sacandaga branch, above the Barber mill dam.

Fourth. Four thousand dollars in clearing the rafting channel at and above Jesup's Little Falls, including the Schroon and the west branches of said river.

Sec. 2. The said commissioners shall, before entering upon the duties of their said office, execute and file in the office of the comptroller a bond, with sufficient sureties to be approved by the comptroller, in the penal sum of twenty thousand dollars, for the faithful performance of their duties.

Sec. 3. The said commissioners shall receive for their services two dollars for each day actually employed, and shall make a report of their proceedings on oath to the comptroller on the first day of December in each year.

Sec. 4. The several tributaries of the Hudson river improved under this act shall be free and navigable for purposes of navigation, and rafting of logs and timber.

CHAPTER 207, LAWS OF 1851.

AN ACT declaring Moose river, together with the north and south branches thereof, in the state of New York, a public highway, and regulating the passage of logs and timber down the same.

Sec. 1. The Moose river, from the head of Eighth lake (so called) to its mouth, also the south branch of the same from the west line of Hamilton county to its junction with the main river, also the north branch from the east line of Herkimer county, to its junction with the main river, are hereby declared a public highway for the purpose of floating logs and timber.

Sec. 2. All booms made on said rivers above any dam or elsewhere shall be so constructed as to admit of an open passage of water-way, of at least thirty feet in width, convenient for the passage of logs and timber at any time, without, however endangering or impairing thereby the rights and property of the owners and occupants of said booms, or releasing of any logs or timber intended to be confined therein.

Sec. 3. Any person wilfully obstructing by booms or otherwise, the channel of said river, so that said space of thirty feet in width may not be open for use, as provided in the preceding section, shall be liable to a penalty of twenty-five dollars for each day of the continuance of said obstruction, to be sued for and collected by every person aggrieved by said obstructions.

Sec. 4. Persons desirous of floating logs or timber down the said stream may construct a chute or apron in connection with any dam across said stream, and may reconstruct any booms already constructed, or hereafter to be constructed, in, over and across said stream, in such manner as to allow logs and timber to pass by the same, doing no unnecessary damage to the owner

or occupants of said boom, and paying to such occupant or owner such damages as he or they may sustain by reason of the alteration of said dam or booms, to be ascertained by three commissioners, to be appointed by the county judge of Lewis county, on the application of either party, and notice of ten days to the other party, unless the parties can agree; nor shall this act be construed to impair or abridge any private or individual rights in the construction of bridges, dams or booms across said river, except so far as is necessary for the improvement of said river, and floating logs and timber down the same.

CHAPTER 94, LAWS OF 1872.

AN ACT to incorporate the Moose River Improvement Company.

Sec. 1. William H. Smith, Asa Smith, Joseph L. Smith, Chester J. Lyon, and Henry Brown, and their associates and successors, are hereby declared a body corporate in fact and in law, under the name of "The Moose River Improvement Company," under which name they shall have perpetual succession, with power to purchase, hold and improve such real estate as may be necessary for the purposes contemplated in this act, and to sell and convey the same with all the powers, rights and incidents of a corporation under the laws of this State, and may have a common seal.

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Sec. 5. The object of said corporation shall be to improve Moose river and its tributaries, in the counties of Lewis and Herkimer, and make the same navigable for the floating of logs and timber down said Moose river, in Herkimer county, as it winds and turns, to the mouth thereof, at the village of Lyons Falls, Lewis county, and the said corporation is hereby authorized and empowered to make such improvements without expense to the State.

Sec. 6. The said corporation is hereby authorized and power is hereby conferred upon the same, to dam said Moose river, and build chutes and booms at such points or places as may be deemed necessary to afford a sufficient depth and quantity of

water to float such logs and timber; also to build, construct and maintain a boom or booms, with piers and buoys, for the holding and securing of logs and other lumber, across said river at or near its mouth. Said corporation is also authorized and empowered to improve said Moose river and its tributaries, by removing rocks and other obstructions, and to enter upon and take such lands, timber and other material, as may be necessary to build, maintain and repair said dams and sluices, and to flow lands so far as may be necessary to accomplish said objects. Said corporation shall also have the right to an open passage in the middle part of said river of not less than twenty-five feet in width, for the purpose of floating and running logs and timber over mill-dams now existing or hereafter to be erected on said Moose river, and across the ponds of said dams, and also the right to build and connect slides with said dams wherever they shall deem the same necessary.

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Sec. 8. So much of said Moose river and its tributaries, in the counties of Lewis and Herkimer, as is included within the limits mentioned in the fifth section of the act, is hereby declared a public highway for the purposes mentioned in this act, and after the same is improved as hereinbefore provided, the said corporation is hereby authorized to charge, demand and receive a toll of four cents per mile for each and every one thousand feet of lumber which may be driven or floated down any part of said river, or its tributaries so improved by said company, except the owner of land on the banks of said river may float logs in said river, the length of his own lands on said river free of tolls; said company shall have a lien upon said logs, timber and lumber, until such tolls are paid, and may sell the same or so much thereof as may be necessary to pay said tolls and the expenses of sale at public auction to the highest bidder, after giving the person who placed said logs and timber in said river, or the owner thereof, if he can be ascertained after reasonable inquiry, ten days' notice, in writing, that, unless the tolls on said logs and timber are paid before the time mentioned in the said notice, the same will be sold at the place therein named, instead

of ten days' personal notice as last provided, fifteen days' notice by and through the mail shall be sufficient.

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Sec. 13. Nothing in this act contained shall be construed to deprive the State of the right to use the waters of Moose river, or to subject it to any damage by reason of any appropriation or use by the State of the waters of said river.

CHAPTER 327, LAWS OF 1851.

AN ACT declaring Chateaugay river in the State of New York a public highway, and regulating the passage of logs and lumber down the same.

Sec. 1. The Chateaugay river is hereby declared a public highway, for the purpose of floating logs and lumber from the southerly line of the province of Canada East, to its source at the outlet of the lower Chateaugay lake, in the county of Franklin.

Sec. 2. On that part of said river hereby declared a public highway, no dam shall hereafter be erected without an apron, at least thirty feet in width, in the middle of the current of the river, or a proper slope for the passage of logs and lumber.

Sec. 3. All booms on said river above any dam, shall have an open passage or water way of at least thirty feet in width, and the said passage may be closed except when necessary to be opened for the passage of logs.

Sec. 4. Any person wilfully obstructing by booms or otherwise the channel of said river, so that said space of thirty feet in width shall not be open for use, shall be liable to a penalty of twenty-five dollars for each day of the continuance of said obstruction, to be sued for and collected by any person aggrieved by such obstruction.

Sec. 5. Persons desirous of floating logs or lumber down the said stream, may construct a shoal or apron in connection with any dam across said stream, and may re-construct any booms already constructed in, over and across said stream, in such manner as to allow logs and lumber to pass by the same, doing

no unnecessary injury to the owner or occupants of said boom, and paying to such owner or occupant such damages as he or they may sustain by reason of the alteration of such dam or boom, nor shall this act be construed to impair or abridge any private or individual rights, except so far as is necessary for the improvement of said river, and floating logs and lumber down the same.

Sec. 6. All damages which may accrue to any person by virtue of the construction of a shoal or apron in connection with any dam across said stream, or the reconstruction of any booms already constructed in, over and across said stream or otherwise, by the provisions of this act, shall be appraised by three commissioners to be appointed by the county court of the said county of Franklin, upon ten days notice in writing being given by the opposite party to the party aggrieved.

CHAPTER 365, LAWS OF 1851.

AN ACT making Minerva creek and Trout brook, in the counties of Essex and Warren, a public highway.

Sec. 1. Minerva creek and Trout brook, (tributaries of the Schroon river,) in the counties of Essex and Warren, are hereby declared a public highway to the width of thirty feet in the channel, for the purposes of floating logs and other lumber upon those streams.

CHAPTER 492, LAWS OF 1851.

AN ACT making an appropriation for improving the channel of the outlet of Piseco lake, in Hamilton county.

Sec. 1. The sum of one thousand dollars is hereby appropriated, out of any moneys unappropriated in the treasury, for the purpose of improving and clearing out the rafting channel of the outlet of Piseco lake, in the county of Hamilton, which said moneys shall be expended by and under the direction of William B. Peck, of the said county, and Hezekiah Sage, of the county

of Madison, commissioners hereby appointed for that purpose; but no portion of the money hereby appropriated shall be paid before the first day of August next.

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CHAPTER 427, LAWS OF 1853.

AN ACT for the improvement of the Ausable river, Essex county.

Sec. 1. The sum of six thousand dollars is hereby appropriated, out of the moneys in the treasury not otherwise appropriated, for the purpose of clearing, improving and removing the obstructions from the channel of the west branch of the Ausable river, above the forks thereof, in the towns of Jay and Wilmington, to North Elba in said county; which sum of money shall be expended by and under the direction of Heman G. Powers and Ormal Brewster, of Jay, and Artemas H. Beach, of Wilmington.

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CHAPTER 246, LAWS OF 1854.

AN ACT for the improvement of the south branch of the Ausable river, Essex county.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of the moneys in the treasury not otherwise appropriated, one-half of said sum in the year one thousand eight hundred and fifty-four, and the balance in the year thereafter, for the purpose of clearing, improving and removing the obstructions from the channel of the south branch of the Ausable river, above the forks thereof, in the town of Jay, to the source of said branch in the said county, for the purpose of floating logs and timber down the said branch of the river, which sum of money shall be expended by and under the direction of Sylvanus Wells, of Jay, in the county of Essex, William V. R. McLean, of Ausable, in the county of Clinton, and Daniel Blish, of Jay, in the county of Essex.

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CHAPTER 643, LAWS OF 1853.

AN ACT declaring Beaver river a public highway, and regulating the passage of logs and timber down the same.

Sec. 1. Beaver river, from the head of the Albany bridge lake to its junction with Black river, is hereby declared a public highway for the purpose of floating logs and timber.

Sec. 2. All booms hereafter made on said river shall be so constructed as to admit of an open passage, or water-way, of at least thirty feet in width; and the said passage shall be opened for the purpose of passing logs and timber, without endangering thereby the rights and property of owners and occupants of said booms.

Sec. 3. Any person wilfully obstructing, by booms or otherwise, the channel of said river, so that it may not be open for use as provided in the preceding section, shall be liable to a penalty of twenty-five dollars for each day of the continuance of said obstruction, to be sued for and collected by any person aggrieved by said obstruction.

Sec. 4. Persons desirous of floating logs or timber down the said stream may construct a chute or apron, in connection with any dam across said stream, and may reconstruct any booms already constructed or hereafter to be constructed in, over or across said stream, in such manner as to allow logs to pass the same, doing no unnecessary damage to the owner or occupants of said boom, and paying to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam or booms, to be ascertained by three commissioners appointed by the county judge of Lewis county, on the application of either party, and notice of ten days to the other party, unless the parties can agree.

Sec. 5. This act shall not be construed to impair or abridge any private or individual rights in the construction of bridges, dams or booms across said river, except so far as is necessary for the improvement of said river, and making it a public highway for the purpose of floating logs and timber down the same.

CHAPTER 233, LAWS OF 1864.

**AN ACT for appropriating moneys for the improvement of
Beaver river.**

Sec. 1. That the sum of ten thousand dollars be appropriated out of any moneys in the treasury of the State, and not otherwise appropriated; five thousand during the year eighteen hundred and sixty-four, and five thousand dollars in the year eighteen hundred and sixty-five, for the clearing and improving the rafting channel of Beaver river, by the construction of piers, booms and dams, and removing obstructions for the passage of logs and timber over and through the Beaver river.

Sec. 2. Said ten thousand dollars shall be expended under the direction of John W. Wright, Charles W. Smith, and Nelson Rulison, commissioners hereby appointed for that purpose, who shall before entering upon the duties of their office, execute and file in the office of the comptroller, a bond with sufficient sureties, approved by the comptroller, in the penal sum of twenty thousand dollars, conditioned for the faithful discharge of their duties, and shall report their proceedings on or before the last day of December in each year, with satisfactory vouchers for all expenditures under this act, and shall file the same in the comptroller's office.

Sec. 3. The fees of each of the commissioners shall be paid out of the aforesaid appropriation, at the rate of two dollars per day, for each and every day actually employed in the discharge of their duties; but said commissioners shall not be allowed over fifty days' fees each of them in any one year.

Sec. 4. The canal board are directed and required to levy and collect the same tolls upon the river hereby to be improved, as are now levied and collected upon the several canals of this State, upon all property and boats passing up and down the same.

CHAPTER 816, LAWS OF 1866.

AN AOT extending the provisions of chapter two hundred and thirty-three of the laws of eighteen hundred and sixty-four, entitled "An act appropriating moneys for the improvement of Beaver river.

Sec. 1. The time for the expending of the money appropriated by chapter two hundred and thirty-three of the laws of eighteen hundred and sixty-four, for the improvement of Beaver river, is hereby extended from the year eighteen hundred and sixty-five, to December thirty-first, eighteen hundred and sixty-six.

CHAPTER 200, LAWS OF 1854.

AN AOT declaring a part of the West Canada creek, and its branches, a public highway, and regulating the passage of logs and lumber down the same, and for the improvement of said streams.

Sec. 1. The West Canada creek, from the point where the line between the towns of Trenton and Remsen, Oneida county, intersects the said stream to the fork of the same on the Nobleborough patent, in the town of Wilmurt, Herkimer county, and from thence, the two branches known as the east and west branches, and the branch known as the four mile creek, so far up said three branches as logs and lumber can be floated, are hereby declared public highways for purpose of floating logs and lumber down the same.

Sec. 2. On that part of said creek and its branches, hereby declared public highways, no dam shall hereafter be erected without an apron or chute at least twenty feet wide in the current of said streams, of a proper slope for the passage of logs and lumber.

Sec. 3. All booms hereafter made on that part of said creek and the three branches, mentioned in the first section of this act, shall have an opening or passage way of at least twenty feet in width, and such passage way may be closed except when necessary to be opened for the passage of logs and lumber.

Sec. 4. Any person wilfully obstructing by booms, or otherwise, the channel of that part of said stream and its branches, so that the space above-mentioned shall not be open for use, shall be liable to a penalty of twenty-five dollars for each and every day of the continuance of such obstruction, to be sued for and collected by every or any person aggrieved by such obstruction.

Sec. 5. Any person desiring to float logs or lumber down that part of said creek or its branches above named, may construct a shoal, chute or apron in connection with any dam now made, and may* construct any booms already made or constructed in, over and across said streams, in a suitable manner to allow logs and lumber to pass by the same, doing no unnecessary injury to the owners or occupants of said dams or booms, and paying to such owners or occupants for such damages as he or they may sustain by reason of the alteration of such dams or booms; nor shall this act be construed to impair or lessen any private or individual right, except so far as is necessary for the improvement of that part of said creek and its branches as above-named, and for floating lumber and logs down the same.

Sec. 6. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury belonging to the general fund, not otherwise appropriated, and to be payable, one-half of said sum in eighteen hundred and fifty-four, and the balance in eighteen hundred and fifty-five, for the purpose of improving that part of said creek and its branches named in the first section of this act, in such places and manner upon said streams as in the judgment of the commissioners (or a majority of them) hereinafter mentioned will promote the greatest general benefit.

Sec. 7. Theodore P. Ballou, Anson Blake, and Samuel G. Hinckley are hereby appointed commissioners * * * * .
 * * * * *

CHAPTER 215, LAWS OF 1854.

AN ACT declaring Alder Meadow brook a public highway, and regulating the passage of logs and timber down the same.

Sec. 1. Alder Meadow brook, in the county of Essex, from the outlet of Crane pond to its junction with the Schroon river, is

* So in law.

hereby declared a public highway, for the purpose of floating logs and timber.

Sec. 2. This act shall not be construed to impair or abridge any private or individual rights in the construction of bridges, dams or booms across said stream, except so far as is necessary for the improvement of said stream, and making it a public highway for the purpose of floating logs and timber down the same.

CHAPTER 222, LAWS OF 1854.

AN ACT declaring the west branch of the St. Regis river a public highway, and for regulating the passage of logs and lumber down the same.

Sec. 1. The west branch of the St. Regis river is hereby declared a public highway, for the purpose of floating logs and lumber down the same, from where the said river enters St. Lawrence county to the south line of the town of Stockholm, in said county; and all dams and booms hereafter erected on said river shall be so constructed as to have a free passage, for logs and lumber, of at least thirty feet in width, and any person or persons desirous of running logs and lumber down said river may rearrange any booms or dams already constructed, so as to pass said logs or lumber through or over the same.

CHAPTER 394, LAWS OF 1860.

AN ACT declaring the easterly branch of the St. Regis river a public highway.

Sec. 1. The easterly branch of the St. Regis river, from the bridge or dam across said river at the village of Nicholville, in the county of St. Lawrence, to the east line of township number seventeen, in the county of Franklin, at the point where the river crosses said east line, is hereby declared and constituted a public highway for the purpose of floating logs, timber or lumber down the same; and that upon that part of said river no

person shall hereafter be allowed to erect any dam without an apron or chute of at least twenty feet wide, in the current of the said stream in the rollway of said dam, of a proper slope and good and sufficient supports and fixtures for the purpose of running logs, timber or lumber; and that all booms hereafter made on that part of the river shall have an opening or passage way of at least twenty feet wide in the current of said stream, and that said passage way be closed except when necessary for the purpose of running logs, timber or lumber; and that any person or persons desiring to float logs, timber or lumber down said stream or that part of the same, may construct a shoal or chute or apron in connection with any dam now made or standing thereon, and may alter or reconstruct any booms now made or constructed over and across said stream in a suitable manner to allow logs, timber or lumber to pass down, no unnecessary injury or damage being done to the owners or occupants of the lands or fixtures along said stream, and paying to such owners or occupants such damages as he or they may actually sustain by reason of such alteration of such booms or dams, and the flowing of water by the same or by any carelessness or inattention of such persons or their employees, in and about such dams or booms, to be appraised by commissioners to be appointed by the county judge of the county of Franklin on the application of any person entitled to and claiming such damages, on ten days' notice in writing being given by the party claiming to the opposite party of the time and place of making such application.

* * * * *

CHAPTER 117, LAWS OF 1866.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and sixty, entitled, "An act declaring the easterly branch of the St. Regis river a public highway," passed April fourteenth, eighteen hundred and sixty.

Sec. 1. That part of the St. Regis river between the St. Regis lake and the easterly line of the town of Stockholm, in the county of St. Lawrence, is hereby declared and constituted a

public highway for the purpose of floating logs, timber or lumber down the same, and upon that part of said river no person shall hereafter be allowed to erect a dam without an apron or chute of at least twenty feet wide in the current of the said stream in the roll way of said dam, of a proper slope and good and sufficient supports and fixtures, for the purpose of running logs, timber or lumber; and all booms hereafter made on that part of said river, shall have an opening or a passage of at least twenty feet wide in the current of said stream, and said passage way may be closed except when necessary for the purpose of running logs, timber or lumber; and any person desirous to float logs, timber or lumber down said stream or that part of the same, may construct a shore or chute or apron in connection with any dam now made or standing therein, and may alter or reconstruct any booms now made or constructed over and across said stream in a suitable manner to allow logs, timber and lumber to pass down, doing no unnecessary injury or damage to the owners or occupants of the lands or fixtures along said stream, and paying to such owners or occupants such damages as he or they may actually sustain by reason of such alteration of such dams or booms, and the flowing of water by the same, or by any carelessness or inattention of such persons or their employees in and about such dam or booms, to be appraised by commissioners to be appointed by the county judge of the county of Franklin, on the application of any person entitled to and claiming such damages, on ten days' notice in writing being given by the party claiming, to the opposite party, of the time and place of making such application.

CHAPTER 477, LAWS OF 1869.

AN ACT declaring the westerly branch of St. Regis river a public highway.

Sec. 1. That part of the St. Regis river from the south line of township number sixteen, great tract number one, Macomb's purchase, in the county of Franklin, to its junction with the east branch in the town of Stockholm, in the county of St. Lawrence,

is hereby declared and constituted a public highway for the purpose of floating logs, timber or lumber down the same, and upon that part of said river no person shall hereafter be allowed to erect a dam without an apron or chute of at least twenty feet wide in the current of said stream, in the roll-way of said dam, of a proper slope, and good and sufficient support and fixtures for the purpose of running logs, timber or lumber; and all booms hereafter made on that part of said river shall have an opening or a passage of at least twenty feet wide in the current of said stream, and said passage-way may be closed except when necessary for the purpose of running logs, timber or lumber; and any person desirous to float logs, timber or lumber down said stream, or that part of the same, may construct a shore or chute, or apron in connection with any dam now made or standing therein, and may alter or reconstruct any booms now made or constructed over and across said stream in a suitable manner to allow logs, timber or lumber to pass down, doing no unnecessary injury or damage to the owners or occupants of the lands or fixtures along said stream, and paying to such owners or occupants such damages as he or they may actually sustain by reason of such alteration of such dams or booms, and the flowing of water by the same, or by any carelessness or inattention of such persons or their employees in and about such dams or booms.

CHAPTER 855, LAWS OF 1871.

AN ACT for the improvement of the east and west branches of the St. Regis river.

Sec. 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, five thousand dollars in the year one thousand eight hundred and seventy-one, and five thousand dollars in the year one thousand eight hundred and seventy-two, for the purpose of improving the east and west branches of the St. Regis river, which money shall be expended by and under the direction of Daniel Shaw, George Plumb and Orson Richards, commissioners hereby appointed for that purpose.

Sec. 2. The said sum of ten thousand dollars is hereby appropriated for the purpose aforesaid, and shall be expended by said commissioners in clearing and improving the channel of the east and west branches of said river, and for the construction of such piers, booms and dams as may be necessary for the passage of logs and other lumber over and through such channels.

Sec. 3. The said commissioners shall, before entering upon the duties of their office, execute and file, in the office of the Comptroller of this State, a bond, with sufficient sureties, to be approved of by the Comptroller, in the penal sum of twenty thousand dollars, for the faithful performance of their duties.

Sec. 4. The said commissioners shall receive no compensation for their services out of the moneys hereby appropriated; they shall make a report of their proceedings on oath to the Comptroller, on the first day of December in each year, of all their expenditures under this act; and thereupon the Comptroller shall draw his warrant upon the treasurer for the amount of such expenditures, payable to the order of said commissioners, not exceeding the amount hereby appropriated.

CHAPTER 103, LAWS OF 1889.

AN ACT to prevent the obstruction of the east branch of the St. Regis river by depositing therein buttings, edgings and debris of saw-mills and other manufactories of wood, and imposing a penalty therefor.

Sec. 1. It shall not be lawful for any person or persons, company or corporation, engaged in the manufacture of lumber, shingles, box shooks, or any other manufacture of wood, upon the east branch of the St. Regis river, or the tributaries thereof, to put into the east branch of said river or said tributaries, buttings, edgings, slabs, shavings or debris from any mills engaged in the manufacture of shingles, butter tubs, wood and lumber, upon or adjacent to said east branch of said river or said tributaries, to be floated down the same, except saw-dust made by any saw except shingle saws, when cutting into the side of the shingle blot or block.

Sec. 2. Any person or persons, or member of a company or corporation, violating this act, shall forfeit and pay fifty dollars for each and every violation thereof, to be sued for and recovered by any person owning or occupying property adjoining said east branch of said river or tributaries, and who may have suffered damage by reason of such violation, in his own name and for his own use and benefit, before any court of competent jurisdiction, and such person or member of a company or corporation so offending shall also be deemed guilty of a misdemeanor.

CHAPTER 107, LAWS OF 1889.

AN ACT to declare Twin Lake creek in Herkimer county a public highway.

Sec. 1. Twin Lake creek, in the town of Wilmurt, Herkimer county, is hereby declared to be a public highway for the purpose of floating logs and lumber thereon, and for the purpose aforesaid, and to effectually regulate the same, the provisions of chapter five hundred and thirty-three of the laws of one thousand eight hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture," are made applicable to said creek.

Sec. 2. Any riparian land owner upon said creek may release to the people of this State any claim for damage arising from the use of said creek as a public highway as provided by this act. Such release shall be filed in the Herkimer county clerk's office by said owner, or by any commissioner appointed under the statutes for appraising damages in such cases, to whom a release in writing, duly witnessed, has been delivered for such purpose by said owner.

CHAPTER 180, LAWS OF 1889.

AN ACT to amend chapter three hundred and seventy-five of the laws of one thousand eight hundred and eighty-six, entitled "An act in relation to floating logs, lumber or other timber in Grass river, in the county of St. Lawrence."

Sec. 1. Section one of chapter three hundred and seventy-five of the laws of one thousand eight hundred and eighty-six, entitled "An act in relation to floating logs, lumber or other timber in Grass river, in the county of St. Lawrence," is hereby amended so as to read as follows:

Sec. 1. Any person or corporation now, or hereafter, owning or controlling any boom or booms, or works other than dams, in or across the Grass river and its branches in the county of St. Lawrence, for the purpose of shipping or securing lumber, logs, or other timber, or any other proper or necessary purpose, shall, within twenty-four hours after he or they, or his or their agents shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers, open the said booms or other works so as to permit the assorting and passage, and allow such lumber, logs and other timber to pass through and down said rivers, and for a failure of so doing shall be liable to a penalty of fifty dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and in addition shall be liable for all damages sustained by any person in consequence of such obstruction; and any person willfully obstructing, by booms or otherwise, the channels of said rivers so that the space of thirty feet shall not be open for use, shall be liable for the penalty named in this section, to be recovered by the party aggrieved. The cost and labor of such assorting and passage shall be borne by the parties owning the logs, lumber or timber so assorted in proportion to their respective interests. After the expiration of the time of said notice, the party or parties desiring such logs, lumber or timber to pass below such booms, shall have the right to go upon such booms and sort and pass below such logs, lumber or timber.

CHAPTER 163, LAWS OF 1854.

AN ACT to provide for improving the Sacandaga river.

Sec. 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury of this state, not otherwise appropriated, for the purpose of improving the Sacandaga river, one-half of which sum shall be expended in the year eighteen hundred and fifty-four, and one-half in the year eighteen hundred and fifty-five, by and under the direction of John Rosevelt, Jr., and Isaac Lefever, of Fulton county, and William Harris, of the town of Hope, in Hamilton county, commissioners, hereby appointed for that purpose, as follows:

Two thousand five hundred dollars in clearing the channel of said river from the village of Fish House, in Fulton county, to the mill-dam of Lefever and Van Valkenburgh, near Northville, in Fulton county, and in constructing an apron or chute upon said mill-dam, so as to enable logs and lumber to pass over the same.

Two thousand five hundred dollars in clearing the channel of said river above said mill dam, including the east and west branches thereof.

* * * * *

CHAPTER 653, LAWS OF 1869.

AN ACT constituting the Sacandaga river and its tributaries a public highway, and for aid in improving the same.

Sec. 1. William W. Burnham, of Wells, and William L. Wright, of Northampton, are hereby appointed commissioners for carrying out the purposes of this act.

Sec. 2. The Sacandaga river and its tributaries (above the boom in the town of Northampton), and including what is called West Branch or Piseco river, and East and West Stony creeks, are hereby constituted a public highway for the purpose of rafting logs, timber and lumber.

Sec. 3. The sum of three thousand dollars is hereby appropriated for the purposes mentioned in this act, to be expended by said commissioners in removing from said river and its

tributaries, impediments and obstructions in the channel thereof; in building piers therein, and making booms on banks thereon; and in repairing slides upon dams thereon where State aid has heretofore been granted, and other necessary purposes for the full execution of this act.

* * * * *

CHAPTER 176, LAWS OF 1882.

AN ACT to amend chapter six hundred and fifty-three of the laws of eighteen hundred and sixty-nine, entitled "An act constituting the Sacandaga river and its tributaries a public highway, and for aid in improving the same."

Sec. 1. Section two of chapter six hundred and fifty-three of the laws of eighteen hundred and sixty-nine, entitled "An act constituting the Sacandaga river and its tributaries a public highway, and for aid in improving the same," is hereby amended to read as follows:

Sec. 2. The Sacandaga river and its tributaries including what is called west branch of Piseco river and East and West Stony creeks, are hereby constituted a public highway for the purpose of rafting logs, timber and lumber.

Sec. 2. Section seven of said act is hereby amended so as to read as follows:

Sec. 7. Any person or persons or corporation making any improvements in the channel of said Sacandaga river, and its tributaries, or any or either of them, or constructing any shoal, chute or apron in connection with any dam now made or standing thereon, shall be liable to any town for any damage sustained to its bridges, dams, lands or property, to the owner or occupant of the premises and to any riparian land-owner upon which said improvements or constructions shall be made, for any damage which may be suffered or sustained by any such town, owner or occupant by reason of such improvements or constructions. Such damages shall in the first instance be ascertained by their appraisal, by three commissioners to be appointed

by the county judge of the county where the lands or property or some part thereof is located of any person or town entitled to, and claiming such damages, on ten days' notice in writing of the time and place of making such application being given to the opposite party, by the party applying for the appointment of such commissioners. Upon the making of such appraisal, said commissioners shall all meet and ten days' notice in writing of the time and place of such meeting shall be given to the parties. The award of said commissioners shall in all cases be final and conclusive, and it shall not be lawful for any person or persons to use and occupy said creek or any part thereof as a public highway for the purpose of floating logs or timber or lumber down the same, until the whole amount of the award of said commissioners shall be paid to the party or parties to whom it shall be so awarded.

CHAPTER 408, LAWS OF 1883.

AN ACT to amend chapter one hundred and seventy-six of the laws of eighteen hundred and eighty-two, entitled "An act to amend chapter six hundred and fifty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act constituting the Sacandaga river and its tributaries a public highway, and for aid in improving the same.'"

Sec. 1. Section three of chapter one hundred and seventy-six of the laws of eighteen hundred and eighty-two, entitled "An act to amend chapter six hundred and fifty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act constituting the Sacandaga river and its tributaries a public highway, and for aid in improving the same,'" is hereby amended to read as follows:

Sec. 3. Section seven of said act is hereby amended so as to read as follows:

Sec. 7. Any person or persons, corporation or company making any improvement in the channel of said Sacandaga river and its

tributaries, or any or either of them, or constructing any shoal, shute, log-way, sluice-way or apron, in connection with any dam now made or standing thereon, or that may be hereafter erected thereon, or who may hereafter use said river and its tributaries, or any or either of them, for the purpose of floating or rafting logs, timber, lumber or any other commodities thereon, shall be liable to any town for any and all damages sustained to its bridges, dams, abutments, lands or property, and to the owner or owners, occupant or occupants of any premises lying upon or adjacent to said river and its tributaries, and to any riparian land-owner along said river and its tributaries, upon which said improvements or constructions shall be made, or upon a part of whose premises such logs, timber, lumber or other commodities shall be rafted or otherwise passed, for any and all damages which may be suffered or sustained by any such town, owner or owners, occupant or occupants, or riparian land-owner, by reason of such improvements or construction. In case such damages cannot be amicably arranged by the parties interested, the same shall be appraised by three commissioners to be appointed by the county court of the county in which the town claiming such damages is situated, or in which the owner, or occupant, or corporation claiming damages shall reside, on the application of any person, persons, corporation, body politic or body corporate interested in the appraisal of such damages, on ten days' notice in writing to the opposite parties of the time and place of making such application; upon the making of such appraisal said commissioners shall all meet, and ten days' notice of the time and place of such meeting shall be given to the parties. After any such award shall have been made it shall not be lawful for any person or persons against whom any such award shall have been made to use and occupy said river and its tributaries, or any part thereof, as a public highway for the purpose of floating or rafting logs, timber, lumber or other commodities down the same, until the whole amount of the award of said commissioners shall be paid to the party or parties to whom it shall be so awarded.

CHAPTER 704, LAWS OF 1857.

AN ACT declaring the east branch of the Great Chazy river a public highway, and regulating the passage of logs and lumber down the same.

Sec. 1. The east branch of the Big Chazy river, from the outlet of Chazy lake to where the said branch is crossed by the Ogdensburgh railroad, is hereby declared a public highway, for the purpose of floating logs and lumber down the same.

Sec. 2. The board of supervisors of the county of Clinton are hereby authorized to appoint three commissioners who may construct and maintain a dam across the outlet of Chazy lake, for the purpose of a reservoir for the benefit of said river; such dam shall be constructed with proper gates or sluices, and any person opening, shutting, or destroying said dam or gates, for any other purpose than benefitting said river for floating logs, timber or other lumber, or for milling purposes, shall be liable to pay a fine of twenty-five dollars and costs of suit, to be prosecuted for by any mill owner or owners, or any other person injured or aggrieved thereby. And the parties making or constructing said dam may take timber, stone, gravel or other materials, from lands adjacent to said river, necessary to construct or maintain such dam, paying the owner or owners of said lands all damage done by flowing, occasioned by such dam, and for the materials used in constructing the dam. Such damage to be ascertained by three commissioners, to be appointed by the county court of the county of Clinton, after due notice shall have been served upon the owners of said lands.

Sec. 3. All booms hereafter made on that part of said river, mentioned in the first section of this act, shall have an opening or passage way of at least twenty feet in width, and such passage way may be closed, except when necessary to be open for the passage of logs and lumber.

Sec. 4. Any person wilfully obstructing, by booms or otherwise, the channel of that part of said river, so that the space above mentioned shall not be open for use, shall be liable to a penalty of twenty-five dollars for each and every day for the

continuance of such obstruction, to be sued for and collected by any and every person aggrieved by such obstruction.

Sec. 5. Any person desiring to float logs or lumber down that part of said river, may construct a shoal, shute or apron in connection with any dam now across that part of said river, and may reconstruct any booms already made or constructed in, over and across that part of said river, in a suitable manner to allow logs and lumber to pass by the same, doing no unnecessary injury to the owners or occupants of said dams or booms, and paying to such owner or occupants for such damages as he or they may sustain by reason of the alteration of such dams or booms; nor shall this act be construed to impair or lessen any private or individual rights on said river.

Sec. 6. That if said dam shall at any time break, or be carried away, and cause damage thereby to any person or persons, such damage shall be ascertained by three commissioners, to be appointed by the board of supervisors of the county of Clinton, and on their award being confirmed by said board, the amount thereof shall be raised by tax on the taxable property of said county and paid to the persons entitled thereto, and the state shall not be liable in consequence of any damage that may accrue according to the provisions of this act.

CHAPTER 396, LAWS OF 1866.

AN ACT to amend an act entitled "An act declaring the east branch of the Great Chazy river a public highway, and regulating the passage of logs and lumber down the same," passed April 17, 1857.

Sec. 1. The second section of the act entitled "An act declaring the east branch of the Great Chazy river a public highway, and regulating the passage of logs and lumber down the same," is hereby amended so as to read as follows:

Sec. 2. The county court of Clinton county, is hereby authorized to appoint three commissioners who may construct and maintain

a dam across the outlet of Chazy Lake, in said county, for the purpose of a reservoir, for the benefit of said river; and the parties making or constructing such dam may take timber, stone, gravel and other materials from the lands adjacent to said outlet necessary to construct, maintain and keep the said dam in repair; and may appropriate, occupy and use so much of the land at and adjacent to said outlet as may be necessary for the proper maintenance and working of such dam, paying to the owner or owners of such lands respectively, all damage done by raising or lowering the waters of said lake, occasioned by such dam; and for the materials and land used in the construction and maintenance thereof, such damage to be ascertained and appraised by three commissioners, to be appointed by said county court, who shall appraise the same prospectively or otherwise, after due notice served upon such owners, respectively, in such manner and for such lengths of time prior to such appraisal as the said county court may designate. The said dam shall be constructed with proper gates or sluices and shall be and remain under the sole care, management and control of the said commissioners of construction and their successors; and any person or persons who shall wilfully open, shut and destroy said dam, gates or sluice way, or wilfully injure the same, or who shall in any manner interfere therewith, except as authorized or permitted by the said commissioners of construction, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail, or by both such fine and imprisonment, and shall be liable in addition thereto for all damages occasioned thereby to the party or parties aggrieved. The said commissioners of construction and either of them may at any time be removed by the board of supervisors of said county of Clinton, at any annual or special meeting of such board; and all vacancies occurring by the death, resignation or other disability of such commissioners, shall be from time to time supplied by the said board of supervisors.

CHAPTER 289, LAWS OF 1868.

AN ACT to provide for the improvement of the hydraulic power of the Great Chazy river, and to check freshets therein.

Sec. 1. For the purpose of improving the hydraulic power of the Great Chazy river, and checking freshets therein, a board of commissioners is hereby constituted, to be termed commissioners for improvements on the Great Chazy river.

* * * * *

Sec. 4. The commissioners under this act, are authorized and empowered to constitute, establish and improve Chazy lake as a reservoir, for the purposes specified in the first section of this act; and shall excavate a channel out of said lake, or erect a dam at or near the outlet thereof, or make both said channel and dam as they may deem advisable, with gates whereby the waters of said lake may be retained and discharged as the purposes of this act may require. If they decide to erect a dam, they shall cause a survey and map to be made of the said lake, and of the lands around the same, which will be overflowed, or be liable to be overflowed, by a dam of such height as they shall deem necessary to erect; and also of any lot or parcel of land which they may deem necessary to take for the purpose of a dwelling place for the gate-keeper, and for a highway to their works; which map shall indicate, as near as may be, the different lots or tracts of land affected, the owners thereof, so far as they can ascertain the same, and the quantity of land required from each. And they shall file such survey and map in the office of the clerk of the county of Clinton.

* * * * *

Sec. 6. The commissioners shall purchase from the owners, the land under water in said lake, and the lands surrounding the same described in the map provided for in the fourth section of this act, if they agree with the owners on the terms of the said purchase, and may take a conveyance thereof to themselves, their successors and assigns forever. If they do not ascertain who are the owners of such lands or any of them, or do not agree on the terms of such purchase, they may acquire such title in the

manner prescribed in chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

* * * * *

Sec. 16. Any and every person who shall willfully interfere with or injure any of the works, gate or structures made or constructed under the provisions of this act, shall be deemed guilty of a misdemeanor, and punishable by a fine not exceeding one thousand dollars, or by imprisonment, not exceeding six months or by both such fine and imprisonment, and the board of commissioners may maintain action for any damage to such works.

CHAPTER 372, LAWS OF 1869.

AN ACT declaring the Great Chazy river a public highway, and for regulating the passage of logs and lumber down the same.

Sec. 1. The Great Chazy river, from its source at the head of Chazy lake on the east branch of said river to the lower bridge, in the village of Champlain, in Clinton county, is hereby declared a public highway for the floating of timber, logs and lumber, and other proper public uses.

Sec. 2. There shall no dam be hereafter erected on the said river within the aforesaid limits without an apron of at least twenty feet in width, in the middle of the current of the river, of a proper slope for the passage of logs and timber.

Sec. 3. Any person or persons who shall hereafter erect any boom or booms, or works other than dams in or across the waters of said river or lake, for the purpose of stopping or securing lumber, sawlogs or other timber, or for any other purpose or necessary purpose, shall within seven days after he or they or his or their agent shall have received notice by any person who shall have lumber, sawlogs or other timber to transport on the said waters, open the said booms or other works to the width of twenty feet, and keep them so open a reasonable time to allow such lumber, sawlogs or other timber to pass through and down said waters; and for a failure of so doing shall be liable to a penalty of twenty-five

dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and, in addition, shall be liable for all damage sustained by any person in consequence of such obstruction; and any person willfully obstructing by booms or otherwise the channel of said river, so that the said space of twenty feet shall not be open for use, shall be liable to the penalty in this section provided, to be recovered by the party aggrieved.

Sec. 4. Provides that existing dams and booms may be reconstructed with aprons, and that damages are to be paid to owners of dams and booms, and the appraisal thereof.

Sec. 5. This act shall not be construed to impair or abridge any private or individual rights, except so far as is necessary for the improvement of said river for floating logs, lumber and other timber down the same; nor shall it be construed to in any manner impair or abridge any rights, powers or privileges conferred, vested or granted by chapter two hundred and eighty-nine of the laws of the State of New York, entitled "An act to provide for the improvement of the hydraulic power of the Great Chazy river and check freshets therein," passed April twenty-second, eighteen hundred and sixty-eight, nor in any manner to defeat or injuriously affect the objects and purposes of such act.

* * * * *

Sec. 7. Every person who shall put any logs or timber into the stream or lake for the purpose of floating them down the same shall select some mark different from any mark previously recorded, and put the same on to each log or stick of timber in a conspicuous place, so put into such waters, and shall cause his mark to be recorded in the town clerk's office in the town of ____.*

Sec. 8. The clerk of the town of Champlain shall be entitled to the sum of twenty-five cents for entering such mark, to be paid by the person requiring the same to be entered, and a copy of such entry, certified by the clerk, shall be received as presumptive evidence in all courts in this State that the logs, lumber or timber having such mark is the property of the person by whom such mark was selected and recorded.

*So in the original.

Sec. 9. No person not authorized, as hereinbefore directed, shall stop, take up or draw to or lodge on the shore of the above named waters or any island therein any logs, lumber, timber, boards or plank floating in said stream, without the consent of the owner or owners thereof, and every person offending in the premises shall, for every such offense, forfeit the sum of ten dollars to the person aggrieved, and, in addition thereto, shall be liable to the owner or owners of such logs, lumber or timber for all damage sustained thereby.

CHAPTER 622, LAWS OF 1870.

AN ACT for the removal of obstructions in the Big Chazy river and for the improvement of the same.

Sec. 1. The sum of ten thousand dollars is hereby appropriated out of the moneys in the treasury belonging to the general fund, not otherwise appropriated, for the purpose of removing obstructions from and improving the Big Chazy river, from its head waters in Chazy lake to the lower bridge in Champlain village, for the running of logs and timber down the same, which sum of money shall be expended by and under the direction of William Graham, of Champlain, Lemuel Perry, of Perrysville, and James Fitch, of Mooers, in the county of Clinton, commissioners hereby appointed for that purpose, provided, however, that the further sum of ten thousand dollars shall first be subscribed by persons owning lands adjacent to said river, and paid in good faith to the said commissioners to the satisfaction of the comptroller of the State, to be expended by them in the same manner and for the same purpose.

* * * * *

CHAPTER 672, LAWS OF 1871.

AN ACT for the removal of obstructions in the Big Chazy river, and for the improvement of the same.

Sec. 1. The sum of ten thousand dollars, for public purposes, is hereby appropriated out of the moneys in the treasury belong-

ing to the general fund, not otherwise appropriated, for the purpose of removing, and paying for the removal of obstructions from, and improving the Big Chazy river, in the county of Clinton, for the running of logs and timber down the same; which sum of money shall be disbursed by and under the direction of William Graham, of Champlain, New York, James Fitch, of Mooers, and William C. Rhodes, of Dannemora, all of Clinton county, commissioners hereby appointed for that purpose.

* * * * *

CHAPTER 553, LAWS OF 1867.

AN ACT declaring Mill Brook, in the counties of Essex and Warren, a public highway.

Sec. 1. The stream of water in the counties of Essex and Warren, known as Mill Brook, from Lake Pharaoh, Essex county, to Schroon lake, and from thence to Schroon river, a distance of six miles, is hereby declared a public highway for the purpose of floating and transporting logs, timber and lumber.

CHAPTER 836, LAWS OF 1867.

AN ACT declaring Deer river a public highway.

Sec. 1. The Deer river, situated in the county of Franklin, is hereby declared a public highway, for the purpose of floating saw-logs and timber from the west line of the town of Brandon in said county to a point in the town of Dickinson, distant fifty rods easterly from the bridge crossing said river at Dickinson Center.

Sec. 2. There shall no dam be hereafter erected on the said river within the aforesaid limits without an apron of at least twenty feet in width in the middle of the current of the river, of a proper slope for the passage of logs and timber.

Sec. 3. All booms made on said river above any dam now or hereafter to be erected within said limits shall have an open passage way of at least twenty feet in width, but the said pas-

sage way may be closed except when necessary to be opened for the passage of logs or timber.

Sec. 4. Any person willfully obstructing by booms or otherwise the channel of said river, so that the said space of twenty feet in width shall not be open for use, shall be liable to a penalty of twenty-five dollars for each day of the continuance of said obstruction to be sued for and collected by any person aggrieved by such obstruction.

Sec. 5. Persons desirous of floating logs or timber down said stream may construct a shoal or apron in connection with any dam across said stream, and may reconstruct any booms already constructed in, over and across said stream, in such manner as to allow logs and timber to pass by the same, and may construct such other piers, booms and dams as may be necessary for the passage of saw-logs and timber over and through the said channel, doing no unnecessary injury to the owner or occupants of said booms and dams, or to the owners or occupants of any lands on which piers, booms or dams may be constructed, or lands flooded thereby, and paying to such owner or occupants such damages as he or they may sustain by reason of such alteration of such boom or dam, or by reason of the construction of piers, booms and dams, and flowing water by the same, or by the carelessness or inattention of such parties or their employees in and about such dams or booms, to be appraised by commissioners to be appointed by the county court of the county of Franklin, on the application of any person interested in the appraisal of such damage, on ten days' notice in writing to the opposite parties of the time and place of making such application. This act shall not be construed to impair or abridge any private or individual rights, except so far as is necessary for the improvement of said river for floating logs and timber down the same.

Sec. 6. Any person making claims for damages arising under this act shall apply for the same within one year from the accruing of the same, or be debarred from recovering the same.

Sec. 7. Every person who shall put any logs or timber into the said stream, or either of its branches, for the purpose of floating

them down the same, shall select some mark different from any mark previously recorded, and put the same on to each log or stick of timber in a conspicuous place, so put into said river or its branch, and shall cause his mark to be recorded in the town clerk's office in the town of Dickinson.

Sec. 8. Every person who shall neglect to enter his mark, as required in the foregoing section, shall be debarred from all benefits arising from the due entry of such mark, and the assignee or vendor of any such logs or timber shall be subject to the same regulation and restriction.

Sec. 9. The clerk of the town of Dickinson shall be entitled to the sum of twenty-five cents for entering every such mark, to be paid by the person requiring the same to be entered, and a copy of such entry certified by the clerk shall be received as presumptive evidence in all courts in this State, that the logs, lumber or timber having such mark is the property of the person by whom such mark was selected and recorded.

Sec. 10. No person not authorized, as hereinbefore directed, shall stop, take up, or draw to or lodge on the shore of the above named stream, or any island therein, any logs, timber, boards or plank, floating in said stream, without the consent of the owner or owners thereof, and every person offending in the premises shall, for every such offense, forfeit the sum of ten dollars, to be recovered by the overseer of the poor of the said town of Dickinson for the use of the poor thereof, and shall also be liable to the owner or owners of such logs, lumber or timber, for all damage sustained thereby.

CHAPTER 115, LAWS OF 1869.

AN ACT making the waters of Harrison Creek in the town of Canton, St. Lawrence county, a public highway.

Sec. 1. The waters of Harrison creek in the town of Canton, St. Lawrence county, New York, are hereby declared to be a public highway for the purpose of running logs and timber, for the distance of two miles up said creek from its connection with Grasse river.

CHAPTER 103, LAWS OF 1870.

AN ACT declaring Cold Brook, in the town and county of Franklin, New York, a public highway.

Sec. 1. Cold Brook, in the town and county of Franklin, and State of New York, from where the same leaves lot one hundred and ninety-six to its confluence with the Saranac river, is hereby declared and constituted a public highway for the purpose of floating logs, timber or lumber down the same; and upon said brook no person shall hereafter be allowed to erect any dam, without an apron or chute of at least twenty feet wide, in the current of the said stream in the slip of said dam, of a proper slope and of good and sufficient supports and fixtures, for the purpose of running logs, timber or lumber; and all booms hereafter made on that part of said brook shall have an opening or passage way of at least twenty feet wide in the current of said stream, and said passage way may be closed, except when necessary for the purpose of running logs, timber or lumber; and any person or persons desiring to float logs, timber or lumber down said stream, or that part of the same, may construct a slip, chute or apron in connection with any dam now made or standing thereon, and may alter or reconstruct any booms now made or constructed over and across said stream in a suitable manner to allow logs, timber or lumber to pass down, no unnecessary injury or damage being done to the owners or occupants of the land or fixtures along said stream, and paying to such owners, or occupants such damage as he or they may actually sustain by reason of such alteration of such booms or dams, and the flowing of water by the same, or by any carelessness or inattention of such persons or their employees in and about such booms and dams, to be appraised by commissioners to be appointed by the county court of the county of Franklin, on the application of any person entitled to and claiming such damages, on ten days' notice in writing being given, by the party claiming, to the opposite party, of the time and place of making such application.

Sec. 2. In case of any person making such necessary improvements, or doing any unnecessary injury or damage to the lands or fixtures along said stream, shall, within eight days from the service of the aforesaid notice, tender to the party complaining a sum in current money of the United States sufficient to pay such actual damages, together with the necessary expense of making and serving such notice, then the party complaining shall pay all costs and expenses of the appointment of such commissioners, and their services in appraising such damages.

Sec. 3. In case the party complained against shall fail to tender, within eight days after the service of notice upon him, to the party complaining, a sum equal to the damages which may thereafter be awarded by said commissioners, together with the necessary expense of making and serving such notice, then the party complained against shall pay all costs as above, and also the award of said commissioners, to be sued for and collected before any court of competent jurisdiction to try the same, according to the laws of this State.

Sec. 4. Any person making claim for damages under this act shall make application for the same and make service of the notice required, within one year from the time such damage accrued, or be forever barred from recovering the same. Any person willfully obstructing, by booms or dams, or otherwise, the channel of that part of said stream, so that the space of twenty feet in the channel thereof shall not be open for use when necessary for the purpose of running of logs, timber or lumber, shall be liable to a penalty of fifty dollars for each and every day of the continuance of such obstructions, to be sued for and collected in the name of the person injured, before any court of competent jurisdiction, according to the laws of this State. The State shall in no case be liable for any damages to owners or occupants of land or fixtures upon the said brook hereby declared to be a public highway.

CHAPTER 502, LAWS OF 1872.

AN ACT declaring Cold Brook, in the county of Clinton, and Alder Brook, in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of that river, public highways.

Sec. 1. That Cold Brook, in the county of Clinton, and Alder Brook in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of said Saranac river, are, and each of said brooks is hereby declared a public highway at the point of confluence of each with said Saranac river.

Sec. 2. All the provisions of the act entitled "An act declaring the river Saranac a public highway," passed May thirteenth, eighteen hundred and forty-six, as amended by the act entitled "An act to amend an act declaring the river Saranac a public highway," passed April thirteenth, eighteen hundred and fifty-three, are hereby made applicable to the said Cold Brook and Alder Brook, and each of them.

CHAPTER 815, LAWS OF 1871.

AN ACT declaring a portion of Swiss creek, in the town of Croghan, Lewis county, a public highway.

Sec. 1. So much of the stream known as Swiss creek, in the town of Croghan, Lewis county, as runs southerly and south-westerly from the lands of Solomon J. Young in said town to the Black river, is hereby declared and constituted a public highway for the purpose of floating logs, timber or lumber down the same.

Sec. 2. Any and all damages sustained by the owners of lands bordering upon said Swiss creek, or through whose lands the same flows, to be paid by the persons causing such damage.

CHAPTER 402, LAWS OF 1876.

AN ACT to declare Swiss Creek, in Lewis county, a public highway.

Sec. 1. Swiss creek, in the town of Croghan, Lewis county, is hereby declared to be a public highway for the purpose of floating logs and lumber thereon.

Sec. 2. No dam shall be hereafter erected on said creek without a sluice of not less than six feet nor more than ten feet in width, with one or more gates, so located as to easily pass logs and timber.

Sec. 3. No booms shall be hereafter erected on said creek without a passage or water-way at least ten feet in width, and said water-way may be closed except when necessary to be open for the purpose of floating logs and timber.

Sec. 4. Any person willfully obstructing said creek by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.

Sec. 5. Persons desirous of floating logs or timber down said creek may construct a sufficient sluice and shute or apron in any dam across said creek and may reconstruct any booms already constructed in, over or across said stream, in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant. Such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam or boom in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dam or booms are situated, on the application of either party and written notice of ten days to the other party, unless the parties agree. And said county court shall always be open for such application.

* * * * *

Sec. 10. Any riparian owner aforesaid may release to the People of this State all claims for damage provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner, or any commissioner appointed under this act to whom such notice may be given.

CHAPTER 273, LAWS OF 1872.

AN ACT to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway.

Sec. 1. Otter creek and its tributaries, in the counties of Lewis and Herkimer, are hereby declared to be a public highway, for the purpose of floating logs and lumber thereon.

Sec. 2. No dam shall be hereafter erected on said creek or its tributaries without a sluice of not less than six feet nor more than ten feet in width, with one or more gates, so located as to easily pass logs and timber.

Sec. 3. No boom shall be hereafter erected on said creek or its tributaries without a passage or water-way of at least fifteen feet in width, and said way may be closed except when necessary to be open for the purpose of floating logs and timber.

Sec. 4. Any person willfully obstructing said creek or its tributaries by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.

Sec. 5. Persons desirous of floating logs or timber down the said creek or its tributaries, may construct a sufficient sluice and chute or apron in any dam across said creek or any tributary, and may reconstruct any booms already constructed in, over or across said streams, in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant. Such persons shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam or boom in constructing

temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dam or booms are situated, on the application of either party, and written notice of ten days to the other party, unless the parties agree. And said county court shall always be open for such application. The report of said commissioners shall be filed in said county court. The commissioners shall receive three dollars per day, to be paid by the person making such application.

Sec. 6. The damages sustained by the riparian owners on said creek shall be assessed by three commissioners to be appointed by the supreme court, and the damages sustained by the riparian owners in any tributary of said creek shall also be assessed by commissioners to be appointed by the said court as hereinafter provided:

Sec. 7. The occupant of any land on said creek may apply to the Supreme Court for the appointment of three commissioners. Ten days' written notice of such application shall be given by the applicant to the other owners or occupants of land on said creek by serving the same personally or leaving the same at the residence of such owner or occupant.

Sec. 8. The said commissioners shall take the constitutional oath of office, give at least ten days' notice of the time and place of such assessment of damages to such owners or occupants, shall view the premises and hear any proof and allegation offered by any of the owners of any land over and above which said creek or its said tributaries flow; and shall make their appraisal in writing, and certify their fees and charges, and deliver such appraisal in the Lewis county clerk's office. Said clerk shall lay the same before the board of supervisors of Lewis county. The board of supervisors aforesaid shall cause the said damages, together with the fees and charges of said commissioners, to be levied and collected as other county charges are raised, and the money when collected shall be paid to the county treasurer, who shall pay said commissioners and owners.

Sec. 9. Said commissioners shall receive the sum of three dollars per day for the time employed by them.

Sec. 10. Any occupant of any land on any tributary of said creek may apply to the Supreme Court for the appointment of

three commissioners to assess the damages on said tributary on giving the notice prescribed in section seven of this act. The commissioners so appointed shall take the oath of office and proceed as provided in section eight of this act, and the damages assessed by them shall be paid as provided in said section.

Sec. 11. Any riparian owner aforesaid may release to the people of this State all claims for damages provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner, or any commissioners appointed under this act to whom such notice may be given.

CHAPTER 152, LAWS OF 1890.

AN ACT declaring Otter creek, its tributaries and Independence creek and its tributaries, in the county of Lewis, public highways for the passage of merchantable products of the forest.

Sec. 1. Otter creek its tributaries and Independence creek and its tributaries, in Lewis county, are hereby declared public highways for the passage of any merchantable product of the forest, subject to existing laws.

CHAPTER 403, LAWS OF 1876.

AN ACT to declare Independence Creek and its tributaries, in Lewis county, a public highway.

Sec. 1. Independence creek and its tributaries, in the county of Lewis, are hereby declared to be a public highway, for the purpose of floating logs and timber thereon.

Sec. 2. No dam shall hereafter be erected on said creek or its tributaries without a sluice of not less than six feet nor more than ten feet in width, with one or more gates so located as to easily pass logs and timber.

Sec. 3. No booms shall be hereafter erected on said creek or its tributaries without a passage or water-way of at least fifteen feet in width, and said water-way may be closed except when necessary to be open for the purpose of floating logs and timber.

Sec. 4. Any person willfully obstructing said creek or its tributaries, by booms or otherwise, so as to prevent the passage of

logs and timber, shall be liable to a penalty of twenty-five dollars for each days of such obstruction, to be sued for and collected by any person aggrieved thereby.

Sec. 5. Persons desirous of floating logs or timber down said creek or its tributaries may construct a sufficient sluice and shute or apron in any dam across said creek or any tributary, and may reconstruct any booms already constructed in, over or across said streams, in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant; such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam or boom, in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which said dam or boom is situated, on the application of either party, and written notice of ten days to the other party, unless the parties agree; and said county court shall always be open for such application. The report of said commissioners shall be filed in said county court. The commissioners shall receive three dollars per day, to be paid by the person making such application.

* * * * *

Sec. 11. Any riparian owner aforesaid may release to the People of this State all claims for damages provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner or any commissioner appointed under this act to whom such notice may be given.

CHAPTER 652, LAWS OF 1874.

AN ACT to provide for the improvement of the hydraulic power of the Chateaugay River.

Sec. 1. For the purpose of improving the hydraulic power of the Chateaugay river, within the state of New York, and checking freshets therein, a board of commissioners is hereby constituted, to be termed commissioners for improvement on the Chateaugay river.

* * * * *

Sec. 4. The commissioners under this act are authorized and empowered to constitute, establish and improve Chateaugay lake or lakes as a reservoir, for the purposes specified in the first section of this act, and shall excavate a channel out of said lake, or erect a dam at or near the outlet of the lower Chateaugay lake, or make both said channel and dam, as they may deem advisable, with gates whereby the waters of said lake may be retained or discharged, as the purposes of this act may require. If they decide to erect a dam, they shall cause a survey and map to be made of the said lake, and of the lands around the same, which will be overflowed, or be liable to be overflowed, by a dam of such height as they shall deem it necessary to erect, and also for a highway to their works, which map shall indicate, as near as may be, the different lots or tracts of land affected, the owners thereof, so far as they can ascertain the same, and the quantity of land required from each; or said commissioners may make such equitable and proper lease or other arrangement as may be just with the owner of any dam, at or near the outlet of said lower lake, for the purposes of this act, and a road thereto; and they shall file such survey and map in the office of the clerk of the counties of Clinton and Franklin.

* * * * *

Sec. 6. The commissioners shall purchase from the owners the land under water in said lake, and the lands surrounding the same, described in the map provided for in the fourth section of this act, if they agree with the owners on the terms of the said purchase, and may take a conveyance thereof to themselves and their successors forever. If they do not ascertain who are the owners of such lands, or any of them, or do not agree on the terms of purchase, they may acquire such title in the manner prescribed in chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

* * * * *

Sec. 10. The commissioners may cause the gates to be closed in times of freshets and floods, so as to check the same, and may let out the water at such times as they may deem proper, with a view of preserving, so far as practicable, a uniform flow of

water in said river, for the benefit of the hydraulic power of the said river. The commissioners shall appoint a gate keeper, and shall fix his compensation at not to exceed one hundred dollars per annum. Such gate keeper shall hold his office at the pleasure of the board, and his successor shall be appointed so often as may be necessary.

Sec. 11. The said board shall maintain, repair and improve the works provided for in this act, and if they deem it necessary to add to their efficiency, as first constructed, by deepening the channel or by raising the dam, or adding other reservoirs, at any time within six years from the passage of this act, they may do so in the same manner, and by the same proceedings and with the same force and effect as hereinbefore provided, whenever they may receive a petition to that effect from persons liable to be assessed for the expenses, with a certificate of the county judge that it is proved to his satisfaction that the signers of said petition are owners of property liable to be assessed for two-thirds of the expenses for such improvements.

* * * * *

Sec. 16. Any and every person who shall willfully interfere with or injure any of the works, gate or structures made or constructed under the provisions of this act, shall be deemed guilt of a misdemeanor, and punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, and the board of commissioners may maintain action for any damage of such works.

* * * * *

CHAPTER 509, LAWS OF 1885.

AN ACT to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-two entitled "An act to extend the provisions of chapter one hundred and thirteen of the laws of the year one thousand eight hundred and fifty-three, entitled, "An act declaring Indian river a public highway.

Section 1. Section one of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to extend the provisions of chapter one hundred and thirteen

of the laws of eighteen hundred and fifty-three, entitled *An act declaring Indian river a public highway*," is hereby amended so as to read as follows:

Sec. 1. The act of the year one thousand eight hundred and fifty-three, chapter one hundred and thirteen, declaring Indian river a public highway, is hereby amended so as to extend its provisions to that part of said river running through the town of Wilna, in the county of Jefferson, and the town of Diana, in the county of Lewis, from a point on said river known as the Natural Bridge, in said town of Wilna; also to that part of said river running down through the towns of Croghan and Diana, in the county of Lewis, and of the town of Wilna, in the county of Jefferson, from a point on said river known as the Indian River Settlement in, the town of Croghan aforesaid. Provided that any and all parties before using said river as a public highway, shall execute a bond, approved by a majority of the town boards of the towns of Antwerp and Wilna, in Jefferson county, and Diana and Croghan, in Lewis county, and deliver the same at the town clerk's office of the respective aforesaid towns, and to be there filed as a good and sufficient security against any and all damages that may be done to any and all property, public or private such as bridges, booms, dams, mills and machinery, that are now or may hereafter be erected on said river, by using it as a public highway.

CHAPTER 95, LAWS OF 1887.

AN ACT declaring Little Black creek, in the counties of Herkimer and Oneida, a public highway.

Sec. 1. The Little Black creek and its several branches, lying in the counties of Herkimer and Oneida is hereby declared a public highway, for the purpose of floating logs and timber from their respective sources down the same to where it empties into Black river, which now is by law a public highway, in the town of Remsen, Oneida county. And all dams and booms hereafter erected on said streams shall be so constructed as to have a free passage for logs and timber of at least ten feet in width in the current of the stream, and schute* or apron built

* So in the original.

over, and on such dam or dams, of a proper slope for the passage of logs and timber, and any person or persons desirous of running logs or timber down said stream may re-arrange any booms or dams already constructed so as to pass said logs or timber through or over the same. But nothing in this act shall be construed to impair or lessen any existing private or individual rights.

CHAPTER 48, LAWS OF 1890.

AN ACT to declare Northwest Bay Creek, in the county of Warren, a public highway.

Sec. 1. The creek emptying into Lake George at the head of Northwest Bay, in the county of Warren, commonly known as Northwest Bay Creek, is hereby declared to be a public highway for the purpose of floating logs and lumber thereon; and the use of said creek as such public highway shall be governed by so far as may be consistent with this act for said purpose, the provisions of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this state recognized by law and common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same, to manufacture," are hereby made to apply to said creek, as far as the same are applicable.

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PART III.

MILITARY GRANTS AND BOUNTY LANDS.

LAND GRANTS AND RESERVATIONS.

DEFINING BOUNDARIES OF CERTAIN TRACTS.

PART III.

MILITARY GRANTS AND BOUNTY LANDS — LAND GRANTS AND RESERVATIONS — DEFINING BOUNDARIES OF CERTAIN TRACTS.

CHAPTER 25, LAWS OF 1779.

AN ACT,* for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same.

Whereas during the present unjust and cruel war waged by the king of Great Britain against this State, and the other United States of America, divers persons holding or claiming property within this State have voluntarily been adherent to the said king his fleet and armies, enemies to this State and the said other United States, with intent to subvert the government and liberties of this State and the said other United States, and to bring the same in subjection to the crown of Great Britain by reason whereof the said persons have severally justly forfeited all right to the protection of this State and to the benefit of the laws under which said property is held or claimed.

And whereas the public justice and safety of this State absolutely require that the most notorious offenders should be immediately hereby convicted and attainted of the offence aforesaid in order to work a forfeiture of their respective estates and vest the same in the people of this State. And whereas the Constitution of this State hath authorized the legislature to pass acts of attainder, for crimes committed before the termination of the present war.

* The act of attainder.

I. Be it therefore enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That John Murray earl of Dunmore formerly governor of the colony of New York, William Tryon Esquire late governor of the said colony, John Watts, Oliver DeLancey, Hugh Wallace, Henry White, John Harris Cruger, William Axtell and Roger Morris Esquire late members of the council of the said colony; George Duncan Ludlow and Thomas Jones, late justices of the supreme court of the said colony, John Tabor Kempe, late attorney general of the said colony, William Bayard Robert Bayard and James DeLancey now or late of the city of New York Esquires David Matthews, late mayor of the said city, James Jauncey, George Foliot, Thomas White, William McAdam, Isaac Low, Miles Sherbrooke, Alexander Wallace and John Wetherhead, now or late of the said city merchants, Charles Inglis of the said city, clerk and Margaret his wife; Sir John Johnson late of the county of Tryon, knight and baronet, Guy Johnson, Daniel Claus and John Butler now or late of the said county, esquires and John Joost Herkemer, now or late of the said county yeoman, Frederick Philipse and James DeLancey now or late of the county of Westchester Esquires, Frederick Philipse (son of Frederick) now or late of the said county gentlemen, David Colden Daniel Kissam, the elder, and Gabriel Ludlow now or late of Queens county Esquires, Philip Skeene, now or late of the county of Charlotte Esquire; and Andrew P. Skeene son of the said Philip Skeene and late of Charlotte county Benjamin Seaman and Christopher Billop, now or late of the county of Richmond Esquires, Beverly Robinson, Beverly Robinson the younger and Malcom Morrison now or late of the county of Dutchess Esquires, John Kane now or late of the said county, gentleman, Abraham C. Cuyler now or late of the county of Albany Esquire, Robert Leake, Edward Jessup* and Ebenezer Jessup* now or late of the said county gentlemen, and Peter Dubois and Thomas H. Barclay now or late of the county of Ulster Esquires, Susannah Robinson, wife to the said Beverly

* Principal owners of the Totten & Crossfield Purchase, and other patents.

Robinson and Mary Morris wife to the said Roger Morris, John Rapalje of Kings county Esquire; George Muirson, Richard Floyd and Parker Wickham of Suffolk county Esquires; Henry Lloyd the elder late of the State of Massachusetts Bay merchant and Sir Henry Clinton knight be and each of them are hereby severally declared to be ipso facto convicted and attainted of the offence aforesaid, and that all and singular the estate both real and personal held or claimed by them the said persons severally and respectively, whether in possession, reversion or remainder, within this State, on the day of the passing of this act, shall be and hereby is declared to be forfeited to, and vested in the people of this State.

II. And be it etc. That the said several persons hereinbefore particularly named shall be and hereby are declared to be forever banished from this State, and each and every of them who shall at any time hereafter be found in any part of this State, shall be and are hereby adjudged and declared guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

And to the end That for the purpose aforesaid convictions and attainder for the offence aforesaid may in pursuance of this act, be had against other offenders that those hereinbefore particularly named.

* * * * *

CHAPTER 32, LAWS OF 1781.

AN ACT for raising two regiments for the defence of this State on bounties of unappropriated lands.*

Whereas the exposed situation of the extensive frontiers of this State renders it necessary that measures should be adopted for their protection

I. Be it therefore enacted * * *, That two regiments, upon the present Continental establishments, as to the number of officers and men composing such regiments, be raised for the defence of the frontiers, whenever the congress of the United

* Origin of the Old Military Tract.

States shall give assurances that the regiments aforesaid shall be armed, accoutered, clothed, subsisted and paid, at the expence of the United States; and that the troops shall continue in service for three years from their respective inlistment, unless sooner discharged.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the person administering the government for the time being, by and with the advice and consent of the council of appointment, to appoint the officers to such regiments; and as often as vacancies shall happen to appoint others. That a lieutenant colonel and a major shall not be commissioned until a number of men equal to two thirds of the regiment shall be mustered.—That it shall be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to appoint the commission officers to such regiments and by and with such advice and consent, to issue warrants in the first instance, to such and to many persons as captains and subalterns, as he shall deem proper and necessary—speedily to enlist the men for the service aforesaid, and under such regulations and restrictions as he shall judge proper. Provided always, that the number of officers so by him warranted as aforesaid shall not exceed in number the Continental establishment.

* * * * *

IV. And be it further enacted by the authority aforesaid, That the faith of the State be and is hereby pledged to the officers, non-commissioned officers and privates composing such regiments or corps, that the legislature of this State will grant unto such officers who shall be commissioned and to such non-commissioned officers and privates as shall inlist in the said regimen, and who shall continue to serve during the time aforesaid, or until the time they shall respectively be dismissed or discharged, if such dismission or discharge shall take place before the end of said three years, or to the legal representatives of such officers, non-commissioned officer and privates, as shall die while in service, the following several quantities of unappropri-

ated lands, respectively, to wit, To a lieutenant colonel and major, each four rights; a captain and surgeon each three rights; a lieutenant, ensign and surgeons mate, each two rights, and each non-commissioned officer and private, one right, and that each right shall consist of five hundred acres—That it shall be lawful for any person entitled to any quantity of lands by virtue of this act, to locate the lands which such person shall elect to be granted to him, and that the legislature will as soon after the expiration of the said time of service, as a survey of the said lands can be with safety performed, grant to such person without fee or reward, or quit-rent reserved, the quantity of lands to which he may be entitled out of the lands so located. That whenever any number of persons entitled collectively to sixty one rights, shall join in a location, the lands so located shall be laid out in a township of seven miles square, and granted to the said persons according to their respective rights therein, and that in each such township the remaining right shall be reserved for the support of the gospel, and the remaining three hundred and sixty acres shall be reserved for the use of a school in such township. That wherever any of the lands to be granted in pursuance of this act, shall be located in quantities less than a township of seven miles square, the person or persons locating such lands shall defray the expence of the survey thereof, but if a township shall be located, the State shall be at the expence of running the out-lines of such township, Provided that no locations shall be made on lands heretofore granted, or on lands belonging to the Oneida and Tuscarora Indians, and provided that the lands to be granted by each grant shall be laid out as nearly in a square, as the next adjacent appropriated lands will admit of.—That whenever any location shall be made by any person belonging to the said regiment or corps, a discription of the lands so located, and the person's name by whom and in whose right such location is made, shall be filed with the surveyor general of this State for the time being, and the person administering the government of this State for the time being, by and with the advice and consent of the council of appoint-

ment is hereby authorized and required as soon as may be after the passing of this act to appoint a surveyor general for this State, and if it shall appear to the said surveyor general that the lands so located are described with sufficient certainty, that the same have not heretofore been granted, and do not belong to the Oneida and Tuscarora Indians the surveyor general shall approve such location, and cause the same to be filed in the secretary's office of this State, and the person making such location shall immediately after the expiration of his time of service, be entitled to a grant of the lands so located.

* * * * *

VII. Be it further enacted by the authority aforesaid, That every person who shall engage an able bodied man to enter into either of the said two regiments to serve for the term of three years shall and may take a transfer of the right of such man's right to the bounty of lands intended to be given by this act and on producing to the surveyor general a certificate signed by any officer or person authorized to muster and receive the men to be raised by virtue of this act, shall and may locate and be entitled to receive a grant for the same, as if such person had actually entered, and served in either of the said regiments for the term aforesaid. Provided always that the person receiving such grant shall, either by himself or some other person on his behalf, make an actual settlement on, and improve such lands within three years next after the conclusion of the war, or that the same shall be deemed forfeited and revert to the use of this State.

VIII. And be it further enacted by the authority aforesaid, That the said lands hereby directed to be granted to the said officers, non-commissioned officers and privates, shall be deemed and construed to be in lieu of all and every bounty, allowance of half pay or emolument whatsoever, on the part of this State. That the levies to be raised in pursuance of this act, shall be mustered by such person, and in such manner as congress or the commander in chief of the army of the United States shall direct.

CHAPTER 22, LAWS OF 1782.

AN ACT for raising troops to complete the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands and for the further defence of the frontiers of this State.

Whereas by a law of this State passed on the seventeenth day of November one thousand seven hundred and eighty one, entitled "An act for the further defence of the frontiers of this State," the person administering the government of this State for the time being was authorized to direct the raising of fifteen hundred men in the manner in the said law directed to serve to the first day of January in the year of our Lord one thousand seven hundred and eighty three.

And whereas there is a deficiency * * * in the three regiments of this State serving in the army of the United States, and it is necessary to complete the said regiments to their full establishment.

I. Be it therefore enacted * * * , That every class within the limits of every regiment of militia in this State which may by virtue of the before recited law be required to furnish a man to serve to the first day of January one thousand seven hundred and eighty three, and which shall engage such man being able bodied to serve for the term of three years or during the war in any of the said three regiments and shall obtain a certificate of the delivery of such man to any person, authorized to receive the same by the person administering the government of this State for the time being, such class shall be intitled to a gratuity of six hundred acres of land out of the unappropriated lands belonging to this State in like manner as by the seventh section of an act intituled "An act for raising two regiments for the defence of this State on bounties of unappropriated lands," passed March twentieth: seventeen hundred and eighty one, persons were entitled to such lands who should engage an able bodied man to enter into either of the said two regiments. And that every class who shall so deliver an able bodied man to serve for the term of two years in either of the said two regi-

ments shall in like manner as aforesaid be entitled to a gratuity of three hundred and fifty acres of land as aforesaid.

And whereas it may happen that a sufficient number of men may not be obtained in the manner herein before directed to serve in either of the said three regiments for the term of three years or during the war.

* * * * *

III. Be it therefore enacted by the authority aforesaid, That every class which shall before the expiration of twenty days next after such class shall be notified and directed to raise a man, deliver the man to be furnished thereby in manner aforesaid shall be entitled to a gratuity of two hundred acres of land out of the unappropriated lands belonging to this State in like manner as classes delivering a man to serve in any of the said regiments are entitled to.

IV. And be it * * * , That it shall and may be lawful for any class or the major part thereof to grant or transfer for the benefit of the whole, the whole right of such class to any lands it may become entitled to by this act, to the person whom the class shall engage to serve in any of the corps aforesaid or to any other person or persons whatsoever, whether of the class or not, and to the heirs and assigns of such person or persons, and such grant or transfer being made in writing and acknowledged or proved by the oaths of one or more of the witnesses to such grant or transfer before any one of the judges of the supreme court, or, before any one of the judges of the inferior court of common pleas shall be a sufficient voucher whereby the person or persons to whom such grant or transfer is made, may locate and be entitled to receive a grant for such lands in manner directed in and by the said "Act for raising two regiments for the defence of this State, on bounties of unappropriated lands passed March twentieth, seventeen hundred and eighty-one.

And whereas several of the persons to whom warrants were issued in pursuance of the act for raising of the said two regiments for the defence of this State on bounties of unappropriated lands have not within the time limited inlisted the requisite number of men in order to entitle themselves to commissions,

and have notwithstanding hitherto continued to inlist men for the said regiments, and it hath been suggested that if a farther day was granted for the purpose they would compleat their inlistments.

Be it etc., That each and every person to whom a warrant hath been or shall hereafter be granted who shall inlist and cause to be mustered into the said regiments or before the first day of June next such number of men for the said regiments as the person administering the government hath assigned or appointed or shall assign or appoint, such persons shall respectively be entitled to and receive commissions in the said regiments and be entitled to and receive the bounties by the said act to be granted, in like manner as if they had respectively inlisted the requisite number of men within the time by the said act limited: But if such officers so appointed or to be appointed should not raise the men by the time last above limited, that then and in such case it shall and may be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to issue his warrant to such of the officers of the levies, as he shall approve to recruit for the said two regiments, or the corps which may be formed out of the same; which officers upon raising the number of men assigned on or before the first day of January next shall be entitled to commissions and the bounty in lands agreeable thereto:

Provided always, that if any of the said levies should be enlisted they shall continue to serve for the term of two years from the said first day of January next.

And be it etc., That every person already inlisted since the first day of August last, or that shall inlist, on or before the first day of June next and who shall continue to serve for the term of two years to be computed from the day on which such person shall be mustered, or who shall be inlisted as aforesaid, after the said first day of June by such officers of the levies as shall be appointed as aforesaid to recruit to serve from the first day of January next and delivered to such person or persons as the person administering the government of this State for the

time being hath appointed or shall appoint to muster and receive the men for the said two regiments shall be intitled to the bounty of five hundred acres of unappropriated land in the manner as in and by the said act, passed twentieth of March seventeen hundred and eighty one, persons inlisting before the said first day of August are intitled to. That the person appointed or hereafter to be appointed to muster the said two regiments shall be allowed at and after the rate of twelve shillings per day for every day he shall be actually employed in the said service agreeable to such account thereof as he shall produce audited by the auditor for this State.

* * * * *

VII. Be it etc., That every person who shall engage and deliver as aforesaid an able bodied man to serve for the term of three years or during the war in any of the said three regiments shall be entitled to and receive a gratuity of six hundred acres of unappropriated land in manner as by the seventh section of the said act passed on the twentieth of March seventeen hundred and eighty one, is directed, and that every person who shall so engage and deliver an able bodied man to serve in either of the said two regiments for the term of two years shall be in like manner entitled to and receive a gratuity of five hundred acres of unappropriated lands. That whenever any persons entitled to lands by virtue of this act shall associate in a sufficient number, to take a whole township of seven miles square, the same shall be laid out in manner directed by the said act passed the twentieth of March seventeen hundred and eighty one, and each persons lott shall contain the quantity of acres such person may be entitled to by virtue of this act.

Provided always that in every such township there shall be laid out one lott containing four hundred acres for the support of the gospel, and two other lots containing each two hundred acres for the use of schools; and if any number of acres less than the least right shall remain they shall in like manner be appropriated to the use of schools.

* * * * *

CHAPTER 63, LAWS OF 1784.

AN ACT for granting certain lands promised to be given as bounty lands, by laws of this State, and for other purposes therein mentioned.

Be it enacted etc., That his excellency the governor or person administring the government of the State for the time being, the lieutenant governor, the speaker of the assembly, the secretary of the state, the attorney general, the treasurer, and the auditor thereof respectively for the time being, shall be and they are hereby constituted and appointed commissioners for granting certain lands promised to be given as bounty lands by laws of this State, herein after particularly mentioned; and that all and every the powers and trusts, to be vested in the said commissioners by virtue of this act, shall and may be lawfully executed by any three of them, the governor or person administering the government for the time being, always to be one thereof.

And be it etc., That whenever any person, or the legal representative or representatives of any person intituled to grants of land by virtue of the act entitled "An act for raising two regiments for the defence of this State on bounties of unappropriated lands" passed March 20th 1781, or by virtue of an act entitled "An act for raising troops to compleat the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands, and for the further defence of the frontiers of this State," passed March the 23d 1782, or by virtue of another act entitled "An act to enable John Cochran Esquire to locate two thousand acres of waste and unappropriated lands within this State," passed March the 8th 1783, shall produce a certificate from the surveyor general of this State to the said commissioners, certifying that the person therein named is entitled by virtue of the said acts, or either of them, to the quantity of land in such certificate mentioned and described, that the same is laid out as nearly in a square as the circumjacent patented lands will admit of, or is laid out as nearly in a square as local circumstances will admit

of, or is laid out in a square as the case may be; that the same is not to the best of his belief and information then granted to, or located by any other person, by virtue of any of the before recited acts, that it was not occupied and improved by any person, on or before the 25th day of July 1782, that it is no part of the land by this act reserved to the use of the people of this State; the said commissioners shall thereupon direct letters patent to be made out, and the governor shall affix the great seal of this State thereto; provided always, that if any caveat shall be entered in the secretaries office by any person whatever, claiming lands so located, that the said commissioners shall decide on the principles of equity and good conscience, if such location shall be valid or not; first giving timely notice to the parties, to appear and be heard, by themselves or by council on their behalf; and if the location shall, by the said commissioners be deemed void, the person having made the same, may locate other ungranted and unappropriated lands, as tho' no location had ever been made.

And be it etc., That if any tract of land described in any location already entered, or to be entered in the surveyor generals office, shall appear upon actual survey, to contain a greater, or a less quantity of acres, than the person having located or who may hereafter locate, is entitled to, it shall be the duty of the surveyor general to reduce or extend the bounds of such tract as the case may require, or if the lands so located, do not lay as nearly in a square as circumstances will permit, the said surveyor general shall reduce the bounds to a square, or as nearly to a square as may be.

And whereas by a law of this State entitled "An act to prevent grants or locations of the land therein mentioned," passed the 25th July 1782 certain lands were intended to be reserved to the use of the State; and whereas such lands were not otherwise described in the said law, than as lands "theretofore reserved and applied for public uses;" and whereas the terms "reserved and applied for public uses" are not only doubtful and indefinite, but no specific quantity of land is directed to be

set apart adjacent to places intended to be "reserved and applied" as aforesaid, and lands supposed to be intended by the said act to be reserved, and other lands adjacent thereto, were actually located by virtue of the said first mentioned acts, before the passing of the said last mentioned act, and the surveyor general having no definite directions, how to conduct himself in the premises; to explain and remedy which,

Be it etc., That the said surveyor general be, and he is hereby inhibited from granting any certificate for either of the several tracts of land herein after particularly specified, or for any part thereof, that is to say, he shall not grant any certificate for a certain tract of land adjoining the south, end of Lake George, within two miles of the fort called Fort George,—For a certain tract of land at Tyconderoga comprehended by the limits following, bounded southerly and easterly by part of the waters of Lake Champlain, northerly and westerly by patented lands —For a certain tract of land at Crown Point comprehended within the limits following, to wit, bounded on the west, north and east by Lake Champlain, on the south by a west line from the waters of Lake Champlain on the east of the peninsula, so as to comprehend all the vacant lands on the said peninsula —For a certain tract of land at a peninsula adjoining Lake Champlain commonly called Point-Aufer, bounded on the south, east and north by Lake Champlain, and on the west by a line across the said peninsula on such course as the said surveyor general shall judge most eligible, so as to comprehend five hundred acres of land. * * * * * For a certain ore bed lying about eight miles north of Crown Point adjoining to Lake Champlain, commonly called Skeenes ore bed. * * * * * And be it etc., That every survey to be made of any lands located, or to be located by virtue of the said acts or either of them, shall be performed by the surveyor general, at the expence of the party who located or may hereafter locate, and that no more than twenty shillings per day shall be taken by the said surveyor general for each day he may be employed in and about such survey, making the maps, and in travelling to make such survey, and in returning therefrom, except as in the said acts is excepted.

And be it etc., That all certificates of inlistment given by any person appointed by his excellency the governor to muster men to be raised by virtue of any of the said laws, shall be accepted by the surveyor general as tho' such persons had been appointed by virtue of any law of this State.

And be it etc., That the lands herein reserved to the use of this State and laying adjoining to Lake George, Tyconderoga and Crown Point, shall and may by the said commissioners be leased unto any citizen or citizens of this State, for a term of years not exceeding twenty-one years, and on such terms and conditions as the said commissioners shall deem most beneficial to the interest of this State.

And be it etc., That all and every of the duties required of the surveyor general by the above recited acts, or by this act may be executed by the present surveyor general, altho' he should resign his office, and another surveyor general should be appointed; provided always that no future locations shall be received, except by the surveyor general for the time being.

And be it etc., that the following and no other fees shall be demanded or taken for any services to be performed in pursuance of this act, by the governor for his attendance and for affixing the great seal of this State to any letters-patent the sum of sixteen shillings, if for any grant not exceeding five hundred acres; and for every greater quantity two pounds; by the secretary of the State for preparing and recording any letters patent, the sum of sixteen shillings, if for a grant not exceeding five hundred acres and for every greater quantity two pounds; by the surveyor general for filing every certificate, transfer, indorsement and location, for his certificate thereof, for his warrant of survey, filing the return of survey, certificates to the commissioners, filing a copy thereof, and for all other papers incident to the business, at and after the rate of two shillings for every one hundred and twenty-eight words contained therein.

And whereas by a law of this State, entitled "An act to prevent grants or locations of the lands therein mentioned," passed the 25th July 1782, a tract of country was set apart, within

which the troops of the line of this State, lately serving in the army of the United States were to be provided with lands. And whereas on the twenty seventh day of March, in the year one thousand seven hundred and eighty-three, by concurrent resolutions of the senate and assembly, a certain quantity of land was promised to each of the officers, non-commissioned officers and privates and other persons designated in the said concurrent resolutions.

Be it therefore etc., That the said commissioners, shall by advertisement to be published in one or more of the newspapers of this State, require returns to be laid before them of all persons or their legal representatives entitled to lands by virtue of the said act or concurrent resolutions, and having decided thereon, shall certify the names of such persons as shall appear to them to be entitled to lands, thereby specifying the quantity of land to the surveyor general under the hand of the governor, which certificate shall also designate in what part of the tract of country, the land mentioned in such certificate shall be laid out, and thereupon the surveyor general shall immediately proceed to lay out the same in townships of twenty-four thousand acres, and in a square form, or as near to a square as circumstances will permit; and shall also subdivide such townships into lots of two hundred acres each, on a map or maps, and shall transmit a copy of such map or maps to the commissioners aforesaid, who shall thereupon proceed by ballot to determine to whom each lot so laid out shall belong; and the governor is hereby authorized to grant letters patent for the respective lots, as hereinbefore directed, and the secretary of the State is hereby required to transmit the names of the persons, who shall so become entitled to lots, with the number of the lot designated for each, and the number and name of the township in which such lots lay, to the surveyor general.

And be it etc., That all the officers non-commissioned officers and privates, which belonged to the regiment of artillery, commanded by Colonel John Lamb, on the first day of January in the year one thousand seven hundred and eighty-one, and such

of them as continued in service to the end of the war, or their legal representatives, shall be entitled to the same quantity of land as other officers non commissioned officers and privates are entitled to by the said concurrent resolutions of the senate and assembly, passed the 27th day of March 1783.

And be it etc., That there shall be at least one settler upon every six hundred acres of the lands hereby directed to be granted, within three years after the date of the letters patent; and for non compliance in making such settlement, all the right and title of such proprietor or proprietors as shall fail therein, shall cease and become void; and at the expiration of the said term of three years shall revert to the people of this State.

And be it etc., That no person or persons whatsoever, shall be entitled to lands by virtue of the said act or resolutions, unless such person or persons shall respectively exhibit their claim or claims for such lands to the commissioners aforesaid on or before the first day of May in the year one thousand, seven hundred and eighty-five.

And be it etc., That it shall and may be lawful for the said commissioners to direct the surveyor general to lay out such a number of townships of unappropriated and unoccupied lands for the Canadian and Nova Scotia refugees* upon a return signed by Brigadier General Moses Hazen and Colonel James Livingston, or either of them, on the part of the Canadian refugees, and Colonel Jeremiah Throop on the part of the Nova Scotia refugees, at such place in the northern part of this State as they shall think proper, not exceeding one thousand acres to each of the commissioned officers, and five hundred acres to each other person or persons refugees as aforesaid. Provided nevertheless, that the said commissioners shall not grant any lands to any of the said Canadian or Nova Scotia refugees, unless it shall appear to them by satisfactory proof, that such refugees, had respectively actually left Canada or Nova Scotia before the first day of November in the year one thousand seven hundred and eighty-two, and have respectively resided within this State for the term of two years next preceding the said day last men-

* Origin of The Refugee Tract. See Volume I.

tioned. And the governor shall direct letters-patent to be issued accordingly to the said person or persons respectively, on his or their paying to the surveyor general, their proportion of the expence running out the lines of the said townships, and the patent fees, as is directed by the act entitled "An act to encourage the settlement of the waste and unappropriated lands within this State."

And be it etc., That the lands hereby directed to be granted to the said refugees as aforesaid shall be subject to the same conditions of settlement and forfeitures, as the lands to be granted by virtue of the act aforesaid, entitled "An act to encourage the settlement of the waste and unappropriated lands within this State."

And be it etc., That when the surveyor general shall have laid out the quantity of land agreeable to such directions as he shall receive from the commissioners by virtue of the two last preceding clauses of this act, and made a subdivision thereof into lots of two hundred and fifty acres each, on a map or maps and shall have transmitted a copy of such map or maps to the commissioners aforesaid, the said commissioners shall thereupon proceed by ballot or otherwise, as to them shall seem best to determine to which of the said persons, contained in the returns of the said General Hazen, Colonel Livingston or Colonel Throop, the lots respectively shall belong.

And be it etc., That the commissioners appointed by an act entitled "An act to encourage the settlement of the waste and unappropriated lands within this State," or any three or more of them, the governor or person administering the government being always one, are hereby authorized to direct the surveyor general of this State, to lay out so much of the said lands into townships, and in such manner as to the said commissioners or any three or more of them, the governor or person administering the government always being one, shall appear to be most for the interest of the State; and the surveyor general is hereby directed to conform himself in all things respecting the laying out and surveying of the said lands, to such orders as he from time to time may or shall receive from the said commissioners as aforesaid.

CHAPTER 60, LAWS OF 1784.

AN ACT to encourage the settlement of the waste and unappropriated lands within this State.

Whereas the wealth strength and prosperity of this State will be greatly promoted, by the settlement of the waste and unappropriated lands within the same.

Be it therefore enacted etc., That his excellency the governor or person administering the government of this State for the time being, the lieutenant governor, the speaker of the assembly, the secretary of the State, the attorney general, the treasurer, and the auditor of this State respectively for the time being shall be and they hereby are constituted and appointed commissioners to direct the laying out, and for granting and disposing of, waste and unappropriated lands within the same, in such manner and form and according to such powers and directions, as shall from time to time be conferred and prescribed by the legislature; and all and every the powers and trusts to be vested in them by this or any future act, shall and may be lawfully executed by any three of them, the governor or person administering the government for the time being, to be always one.

And be it etc., That it shall and may be lawful to and for the said commissioners, and they are hereby authorized and directed, to lay out, and grant, all the waste and unappropriated lands in this State, not already set apart by law for other purposes, and shall cause such waste and unappropriated lands to be delineated in a map or maps, and to be subdivided on the same into townships of six miles square, as nearly as circumstances will permit, and in such manner that each township shall not contain more than twenty three thousand and forty acres, and to be numbered from number one progressively, and such map or maps being subscribed by the said commissioners, shall be recorded in the secretarys office, and then lodged with the surveyor general; duplicates thereof being also delivered to the governor or person administering the government, for the time being, to all which maps, and records in the office of the secretary and

surveyor general respectively, every person or persons may have access; and thereupon the governor or person administering the government for the time being, by proclamation, shall forthwith inform the people of the proceedings aforesaid, and that all who may be desirous of making settlements shall receive grants for lands according to the true intent and meaning of this act. Which proclamation shall be published at least for four weeks in two or more of the newspapers of this State, and no petition shall be received or deemed of any validity, until after the expiration of the said four weeks. Provided always, that all lands legally purchased of the native Indians prior to the fourteenth day of October 1775, and which do not lay westerly of a line being at the north-east corner of the State of Pennsylvania, thence running northerly along the west bank of the Mohawk or westerly branch of Delaware river, and up that river to opposite where Tianaderha falls into Susquehanna, thence to Tianaderha, and up the west side thereof, and the west side of its west branch, to the head thereof, and thence to Canada creek, where it empties into Wood creek, shall not be subject to be granted by virtue of this act, but the claimants of the same shall be at liberty at any time within one year from passing of this act, to represent their respective claims to the legislature, that such provision may be made therein, as justice shall require, and that the execution of the powers given to the said commissioners by this act may not be obstructed by reason of the proceeding proviso.

And be it etc., That the surveyor general as soon as conveniently may be after the passing of this act, shall give six weeks public notice by advertisement in two or more of the public newspapers printed in this State, to all persons claiming or interested in lands purchased from the Indians in manner aforesaid, and not patented, to produce and specify their respective claims to the governor or person administering the government of this State for the time being, within one month after the expiration of the said six weeks; and such lands only as shall be so claimed,

and specified, as having been purchased from the Indians in manner aforesaid, shall be deemed and adjudged to be within the same proviso.

And be it etc., That the said waste and unappropriated lands shall be granted and disposed of in the manner and form and upon the terms and conditions following, that is to say, when forty two or more persons desirous of making a settlement shall present a petition to the governor, or person administering the government for the time being, praying for a grant of one of the said townships, not already located, an indorsement of the time of receiving such petition shall be made and subscribed by the governor, or person administering the government for the time being; by whom a certificate shall be given to the person delivering such petition, specifying the number of the township petitioned for, and the name of the first subscribing petitioner, at the time in which such petition was delivered; and the person first presenting a petition for any township as aforesaid shall be entitled to receive a grant therefor.

And whereas it may so happen that two or more petitions may be presented in manner aforesaid, on the same day, for a grant of one and the same township; Be it therefore enacted by the authority aforesaid that whenever two or more petitions shall be presented to the governor, or person administering the government for the time being, on the same day, praying a grant for one and the same township, it shall and may be lawful for the governor, or person administering the government for the time being, together with the other commissioners appointed by this act, or any two of them to determine in such manner as to them shall seem most conducive to the interest of this State, which of the said petitioners shall be preferred; and that letters patent shall be issued to the petitioners named in the petition, to which a preference shall be given as aforesaid, in like as is directed by the preceding clause in this act. That at a subsequent meeting of the commissioners, such petition shall be read and filed with the secretary of the State, and an entry thereof, and a declaration that the petitioners are intitled to the grant of such township upon the terms prescribed

by this act, shall be entered in a record to be kept by the secretary, of the proceedings of the said commissioners, and the secretary shall thereupon cause a copy certified by him to be a true copy of such petition and entry, to be delivered to the surveyor general, which shall be his sufficient warrant for causing an actual survey at the expense of the petitioners, to be made of such township; that upon a return of the survey of the township, certified by the surveyor general to be actually and truly performed, the commissioners shall pass an order for issuing letters patent to the petitioners for such township, distinguishing the same by such name as they shall think fit:

Provided always, and be it etc., that on the day on which the order shall be issued for granting letters patent as aforesaid, the commissioners shall certify to the treasurer of the State, the sum of money which the petitioners shall respectively pay for each respective township, into the treasury of this State and shall lodge such certificate with the secretary of the State, to the intent that the petitioners or one of them may obtain the same, and if the said petitioners, or one or more of them, or some person on their behalf, shall not within six months next ensuing the date of such certificate, pay the sum therein mentioned into the treasury of this State, and lodge the treasurers receipt of the payment thereof in the secretarys office, then such order for issuing the said letters patent shall be utterly void and of none effect; or if upon lodging such receipt in manner aforesaid, the said petitioners shall not within one year from the filing of such petition, apply to the surveyor general to survey such township, and enter into security to pay the expences of such survey, then such order shall also be void and of none effect; and the money so paid into the treasury shall be forfeited to the people of this State, and the commissioners shall and may in either case, grant such township to any other persons applying for the same, in manner, and on the terms and conditions, by this act directed.

And be it etc., That there shall be paid into the treasury of this State, by the petitioners, for every township, at the time of passing letters patent for the same, at and after the rate

of one shilling for every acre thereof, except five acres per cent allowed for highways and nine hundred and ninety acres set apart for public uses hereinafter mentioned. And that the respective letters patent shall contain a condition, that there shall be at least one settler actually settled on each and every right in such township, within the term of three years next after taking out such letters patent; and on failure thereof, then the estate of the proprietors in such lot or lots which shall not be actually settled within the time for that purpose herein before limited, shall cease and become void, and such lot or lots shall revert to the people of this State, and that if any person shall at the expiration of the said term apply to the surveyor general of the State for any such supposed forfeited lot, the surveyor general shall give such applicant a certificate of such application, and as soon as conveniently may be, by advertizement to be published for eight weeks successively, in two or more of the news papers printed in this State, notify the person, or his or her legal representative, claiming such lot by virtue of the said letters patent, to appear, (by a day to be mentioned in the said advertizement, not less than thirty days from the expiration of the said eight weeks) before the commissioners by this act appointed, and to show cause why such lot should not be granted to the person applying for the same; and if it shall appear to the said commissioners at the day mentioned in the said advertizement, that the lands are forfeited for the non compliance with the condition above mentioned, they shall grant the same to the person who make application therefor to the surveyor general, on the conditions by this act directed.

And be it etc., That all mines of gold or silver, salt lakes and springs, and mines of salt, and carrying places upon any of the water communications, which may be contained or found within the limits of the lands by this act directed to be granted, shall be reserved for the benefit of the people of this State, and the commissioners are hereby expressly prohibited from granting the same, or either of them, upon any pretence whatever.

And be it etc., the gold or silver, bills of credit emitted in pursuance of an act of this State intituled "An act for emitting

monies upon the credit of this State," passed the twenty-seventh day of March in the year one thousand seven hundred and eighty-one for gold or silver, certificates issued by the agent of this State, in pursuance of an act intitl'd "An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy," passed the twenty-fourth day of June, in the year one thousand seven hundred and eighty; certificates granted for horses purchased by this State, for the use of the army of the United States, in the year one thousand seven hundred and eighty; accounts liquidated and certified by, or certificates granted by the late auditor general of the State, and the auditor of the State for the time being, for gold or silver certificates issued by the auditors appointed in pursuance of the act intitl'd "an act to liquidate and settle the accounts of the troops of this State, in the service of the United States," passed the fourth day of October in the year one thousand seven hundred and eighty, at the nominal value expressed in all such notes and certificates as gold or silver, bills of credit emitted by the authority of the provincial congress of this State while it was a colony, and the convention of the State, at the rate of one dollar in silver, for every one hundred and twenty eight nominal dollars in such bills; certificates issued by the treasurer of this State in pursuance of an act intitl'd "an act to provide for the payment of certain monies taken on loan by this State," passed the thirteenth day of June in the year one thousand seven hundred and eighty, at the rate of one dollar in silver for every forty of the nominal dollars specified in such certificates; warrants with receipts thereon endorsed, given by virtue of the act entitled "an act to compleat the Continental battalions raised under the directions of this State," passed the first day of July in the year one thousand seven hundred and eighty, at the rate of one dollar in silver for each bushel of wheat specified in such warrants; certificates issued by the treasurer of this State, for monies borrowed for the use of this State, and directed to be paid by an act intitl'd "an act to provide for

the payment of certain contingent expenses of this State" passed the twenty fifth day of October in the year one thousand seven hundred and seventy nine, reduced to the value of gold or silver by the Continental scale of depreciation; certificates issued by the Continental loan officer in this State, for monies lent to the United States, by the inhabitants of this State, reduced to their value in specie by the Continental scale of depreciation; certificates given, or that may be given, by the Continental commissioner of accounts within this State, for services performed, or articles delivered by the inhabitants of this State, for the use of the United States, the balance due the troops of this State in the service of the United States, for their pay of the year one thousand seven hundred and eighty one, to be audited by the commissioners appointed for liquidating and settling the accounts of the troops of this State, in the service of the United States.

And be it etc., That all such of the said notes, certificates or securities, mentioned in the next preceding clause, and which are not negotiable, shall and hereby are declared to be negotiable from and after the passing of this act, That all and every of the above notes and certificates shall be received by the treasurer of this State in payment for any lands to be sold by virtue of this act, and that the interest thereon shall be allowed to the person or persons paying the same, to the said treasurer.

And be it etc., That the governor or person administering the government of this State for the time being, the secretary of the State, and the surveyor general of the State, respectively, shall be entitled on passing letters patent for any township to be granted by virtue of this act, to the following fees that is to say, the governor for receiving and endorsing the petition, making the orders thereon, and affixing the great seal to the letters patent, the sum of three pounds, the secretary for his attendance, and for drawing and engrossing and recording the letters patent, the sum of five pounds, the surveyor general for his attendance, and for directing, examining, and approving of every survey, and making and returning a correct map, the

sum of three pounds, and that no greater fees shall be demanded or received by any of them.

And be it etc., That the freeholders and inhabitants of all and every of the townships to be granted by virtue of this act, shall hold exercise and enjoy all the rights, immunities and privileges, which have by law been granted, or hereafter may be granted, to the inhabitants of the respective districts in the county of Tryon.

And for the more easy partition of lands, which shall be granted by virtue of this act, be it further enacted by the authority aforesaid. That whenever three or more proprietors of any such township shall be desirous to make partition thereof, it shall and may be lawful to and for such proprietors to call a meeting of the proprietors to come to a partition of such township and thereupon appoint a time and place for that purpose, and due notice of such meeting shall be published in two or more of the public newspapers of this State, for six weeks successively, and thereupon the proprietors of such township, or the major part of such of them as shall attend for that purpose, according to the said notice, shall by plurality of voices choose and appoint commissioners, to consist of one or more surveyors, and his or their assistants, to make an actual partition of such township, at the common expence of the proprietors, in proportion to their respective rights, and then shall agree upon a place for balloting for the same; and the said commissioners as soon as conveniently may be, shall make an actual survey of the township; and having in the first place appropriated in some convenient part of the said township nine hundred and ninety acres set apart for public uses, viz, three hundred acres for the use of a minister of the gospel, and six hundred and ninety acres for the use of a public school or schools, the residue shall be divided into as many allotments as there were patentees, each allotment to consist of one or more lots, having due regard in the partition to the situation, quantity and quality thereof, so that the patentees and those holding their several rights may have equal shares in value as near as may be; that of all such

surveys and allotments made by virtue of this act, four true field books and maps, specifying the bounds of every lot, shall be made, and the several lots laid down and numbered on the said maps, and then signed by the said commissioners, which being performed, the said commissioners shall cause an advertizement for six weeks successively, to be published in two or more of the said newspapers, notifying the said survey, and appointing a day within thirty days after the expiration of the said six weeks, and requiring all persons interested in the township then to attended at the place which shall have been appointed for the purpose, by the said proprietors, at their first meeting, to see the several allotments balloted for. And that the same may be conducted with strictest equity, one or more judges of the county not interested in the division, or in case there should be no judge in the county where the lands lay, that then and in such case one or more judges of a neighboring county, upon request of the commissioners in writing, under their hands, served twenty days before the time of meeting, shall be present to oversee the balloting so to be made; at which day and place, the said commissioners having made as many tickets as there are allotments, with the number of a different allotment on ever ticket, and as many tickets as there are patentees, with the name of a different patentee for every ticket, the tickets of names shall be put into a box, and the numbered tickets into another box, and such indifferent and disinterested person as the commissioners shall then appoint, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and so proceed until all the tickets are drawn; and the allotment on the map bearing the number of the ticket, drawn next after drawing the ticket with the name, shall be the separate and divided share of that patentee, in the lands so to be divied, and of all persons holding under him, of which balloting, and all the proceedings on such petition the said commissioners shall make a full and fair entry or minute in a book; one copy whereof certified under the hands of the majority of them, and under the hand of the judge presiding at the said meeting, shall be filed with one of the copies of the

said map in the secretary's office; another copy of the said book certified in like manner, and a copy of the said map, in the clerk's office of the county, where the lands lay; a third copy of the said book, and map, in the surveyor general's office, and a fourth copy of the said book and map in the office of the clerk of the township; which same books and maps, or an exemplification under the great seal of the State, of the book and map filed in the secretary's office, shall be good evidence of such partition; and the said partition shall be as valid and effectual in the law to divide and separate the said lands, as if the same had been made between the patentees on writs of partition, according to the course of the common law. Provided, always, that the commissioners who shall perform the survey and make partition as aforesaid, shall be duly sworn or if of the people called Quakers, affirmed, that they have respectively performed their several parts in the said survey, and partition, truly faithfully and impartially, according to the best of their skill and judgment; and that the persons drawing the ballots on ever such partition, shall in like manner be sworn or affirmed, that they have performed that office faithfully and impartially. The declaration in each of the said cases being entered at the close of the proceedings of the said commissioners, and subscribed by a majority of them, and attested by the judge or judges of the county who preside at such balloting.

And be it etc., That if any proprietor of lands within the township whereof partition shall have been made in manner aforesaid, shall neglect or refuse to pay his proportion of the charges of patenting or making partition thereof, or his rate of the quota of the expence of any public roads or bridges which shall be directed by law to be laid out or made in or through such township, then and in ever such case it shall and may be lawful to and for the judge of the county where the lands shall lie, on complaint of the officer or person having the direction of such work, or collection of such town rate or duty, to appoint a time and place for the appearance of such proprietor or his legal representative, to answer such complaint, and notice thereof shall be published at least four weeks in two or more

of the public news papers of this State, and at the time and place so to be appointed the judge shall proceed to hear the complaint, and defence of the party charged, if he shall appear, and if judgment shall be given by default, or otherwise, against the proprietor, and in case of the want of sufficient chattles of the defaulter within the township, so much of his lands therein shall be sold at public vendue as will be sufficient to satisfy such judgment. Provided, that notice of the intended sale of such lands shall be previously advertized in two or more of the public newspapers of this State, for four weeks successively, and three of the most public places in the township where the lands is situated, expressing the time and place of such sale; and at the time of sale such person as will accept of the least quantity of land to satisfy such judgment, and all charges, shall be deemed the purchaser; and the deed from the officer making sale of the said lands, shall operate as a legal title to the purchaser, who shall thenceforth hold the same to him his heirs and assigns forever.

And be it etc., That the surveyor general shall once in ever year lay before the legislature for their inspection, a map of all the lands which shall from time to time be granted by virtue of this act.

CHAPTER 66, LAWS OF 1785.

AN ACT to facilitate the settlement of the waste and unappropriated lands within this State and for repealing the act therein mentioned.

Whereas it is the interest of this State to accelerate the settlement of the waste and unappropriated lands within the same and whereas there is reason to apprehend that the mode prescribed in and by the act entitled "An act to encourage the settlement of the waste and unappropriated lands within this State" passed the tenth day of May one thousand seven hundred and eighty four, would be attended with great delays in the execution thereof, and not answer the salutary purposes intended thereby.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the above recited act shall be, and the same is hereby repealed.

And whereas no legal settlement can be made on the lands now claimed by the native Indians, and not heretofore by them ceded to the people of this State, until a title from the said Indians be had or obtained.

Be it etc., That it shall be the duty of the commissioners appointed by an act entitled "An act to appoint his excellency the governor of this State or person administering the government thereof for the time being, and the commissioners therein designated, to superintend Indian affairs, passed the six day of April one thousand seven hundred and eighty-four, and they are hereby required, on or before the first day of October next, to obtain a cession or grant, to the use of the people of this State, of such lands within this State now holden or claimed by the native Indians as such Indians shall be willing to dispose of on reasonable terms: and the said commissioners are hereby authorized to apply the sums appointed by the nineteenth section of an act entitled "An act for the payment of certain contingent expences, and for other purposes therein mentioned, passed the twenty-ninth day of November, one thousand seven hundred and eighty-four, or such part thereof as may remain unappropriated, for the purpose of obtaining such grant or cession.

And be it etc., That his excellency the governor or person administering the government the government of this State for the time being, the lieutenant governor, the speaker of the assembly the secretary of the State the attorney general, the treasurer, and the auditor of this State respectively for the time being, shall be and they are hereby appointed commissioners of the land office to direct the disposing and granting of the waste and unappropriated lands within this State, and according to such powers and directions as shall from time to time be prescribed by the legislature; and all and every the powers and trusts to be vested in them by this or any future act, shall and may be lawfully executed by any three or more of them, the governor or person administering the government to be always one; and that

the secretary ex officio shall always be the secretary of the commissioners of the land office.

And in order that as far as possible an equal opportunity may be afforded to all persons for obtaining patents or grants of lands.

Be it etc., That the said commissioners shall with all possible dispatch after the passing of this act cause advertisements to be published in the several news papers printed within this State giving notice that upon and after a certain day therein to be specified not less than two, nor more than three months from the time of publishing the said advertisements, that locations upon the lands so described in the said advertisements will be received in the office of the surveyor general of this State. And if it should happen that two or more locations should be made on the same parcel of land, on the same day the surveyor general shall determine by lott which of the said locations shall be preferred and entitle the person or persons making the same to a warrant of survey for the same. And as often as a cession or grant shall be obtained from the Indians of lands now holden or claimed by them, it shall be the duty of the said commissioners to advertise the same, and proceed to direct the receiving locations and for the commissioners to make grants in the manner hereinbefore directed.

And be it etc., That if any person having made a location in manner aforesaid shall not within one month from the date thereof apply for a warrant of survey, or having received a warrant of survey shall not within one month from the date thereof apply to have the tract of land therein described surveyed, or if upon the execution and return of such survey and certificate thereof from the surveyor general shall not within three months from the date of such certificate apply for letters patent for the same and pay the fees established by this act, and the act entitled "An act for granting certain lands promised to be given as bounty lands by laws of this State, and for other purposes therein mentioned" passed the eleventh day of May one thousand seven hundred and eighty four, such person or persons shall in either case forfeit his or their right in the said lands.

And be it etc., That no other persons than such as are entitled to grants of lands by virtue of the acts recited in the second enacting clause of the last mentioned act, shall have the right to locate the quantity of lands to which they are respectively so entitled, on the lands intended to be granted by virtue of this act, in the manner in and by the said act is directed.

And be it etc., That any person whatever shall have the privilege of making a location in the surveyor generals office for a tract of land not exceeding five hundred acres with an allowance of five per cent for highways, and receive a grant for the same, upon paying into the treasury of this State a sum of money at the rate of four shillings per acre, for the lands so located.

And be it etc., That all lands to be granted by virtue of this act shall be laid out in equilateral squares whose sides shall be north, south, east and west lines, or as nearly so as appropriated lands or principal waters will admit.

And be it etc., That any lands legally purchased from the native Indians prior to the fourteenth day of October one thousand seven hundred and seventy-five shall not be liable to be granted by virtue of this act; but all persons claiming by virtue of such Indian purchases who have not already exhibited their claims by virtue of the act hereinbefore repealed, may exhibit their respective claims to the said commissioners before the tenth day of May next. And all such claims not exhibited before the said tenth day of May are hereby declared to be void and the lands so claimed liable to be located and to be granted as herein before directed and the said commissioners are hereby authorized to hear and determine such claims upon the application of the respective claimants on principles of equity and good conscience and if such decision shall be against such claimant, the lands so claimed may be located and granted as by this act is before directed.

And to the end that delays may not be occasioned by pretended claims

Be it etc., That any person having located lands so claimed shall have the right upon application to the said commissioners

to have the said claims determined upon a day to be appointed by the said commissioners not less than two months nor more than three months from the day on which such application shall have been made.

Provided always that the privilege of exhibiting claims to any of the aforesaid lands by virtue of Indian purchases under the former government of this State while a colony, shall be only extended to such person or persons as are citizens of this State, or some other of the United States.

And be it etc., That all lands to be granted by virtue of this act, shall be and they hereby are exempted until the expiration of seven years from the passing of this act, from all taxes hereafter to be imposed upon the inhabitants of this State, except county or district taxes:

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And be it etc., That when a sufficient number of persons shall join in making a location for a township of twenty three thousand acres they shall be allowed besides the five per cent for high ways four hundred acres for the use and support of a minister of the gospel, and eight hundred acres for the use and benefit of a school or schools, within such town or towns respectively, to be laid out in some convenient place or places in the same for that purpose, and each respective town shall receive such grant, shall be allowed to hold and exercise the same incorporated privileges that the other districts do hold and exercise that are in the county where such lands lie, and for which township they shall pay to the treasurer of this State one shilling per acre, exclusive of the allowance for high ways, and other public uses.

And be it etc., That when any ten persons or more shall join in making a location for lands they shall be allowed beside five per cent for high ways, such a proportion of land for the use and support of a minister and for the use and benefit of a school or schools, in such location, as the number of persons joining in such location shall bear to the number making a location for a township as aforesaid, and the number of acres allowed to such township for the use and support of a minister of the Gospel,

and for the use and benefit of a school or schools; and for which land they shall pay to the treasurer of this State the sum of two shillings per acre exclusive of the allowance for high ways and other public uses. And in either of these cases a location made on the same day shall have a preference for such lands to a location made for a less number of acres: and in all cases where more than one person or persons shall join in a location it shall be at there option to take a grant in common or seperately as it shall best suit them.

And be it etc., That all grants or patents for land made by virtue of this act, shall contain a condition of having a settler actually settled on every five hundred acres in three years from the date of the letters patent thereof. And on failure of such settlement; the lands so unsettled shall revert to the people of the State, and be liable to be granted in the same manner as if no such former grant had been made.

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And whereas it is suggested that there are persons who have equitable claims to grants for lands acquired under the laws of the late colony of New York which they were prevented from obtaining merely on account of the circumstances which preceded the late change of government; and it is just and right that such equitable claims should be allowed and confirmed by this legislature.

Be it therefore enacted by the authority aforesaid, That the commissioners aforesaid shall have power to hear and determine the claims of all persons for grants of lands to which they were intitled under the government of the late colony of New York, and to grant letters patent for such lands to all such persons as shall be found to have a fair and equitable claim or title thereto: Provided that nothing in this act shall be construed to enable any person to hold lands and obtain such grants who are not already qualified by the laws of this State to hold the same.

And provided such claims are exhibited to the said commissioners or any one or more of them before the tenth day of May next, provided that no such claim shall be allowed or affect any

lands lying without the line of cession established in the year one thousand seven hundred and sixty-eight by the treaty at Fort Stanwix.

Provided also that no such claim shall be allowed to any lands in virtue of any mandamus issued by the king of Great Britain while this State was a colony; except such mandamus shall have been granted as a reward for services actually done and performed within the then colony (now State) of New York, and was vested in a citizen previous to the ninth day of July one thousand seven hundred and seventy-six, who had located and obtained from the government of the then colony of New York an order to survey the same, and who hath taken an active part with the United States during the late war.

And be it etc., That the claims so allowed and grants made in consequence thereof shall be paid for at the same rate or rates, and held on the like conditions and limitations as the other lands directed to be granted by this act.

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Be it etc., That the surveyor general may and is hereby directed to remove his office on or before the first day of June next to the city of Albany.

CHAPTER 67, LAWS OF 1786.

AN ACT for the speedy sale of the unappropriated lands within this State and for other purposes therein mentioned.

Whereas experiment has evinced that the settlement of the unappropriated lands in this State, in the manner directed by former acts, is subject to great embarrassment and inconvenience and productive of controversy. For prevention whereof

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That his excellency the governor or person administering the government of this State for the time being, the lieutenant governor, the speaker of the assembly, the secretary of the state, the attorney general, the treasurer and the auditor of this State respectively for the time being shall be and they hereby are appointed commissioners of the

land office, to direct the disposing and granting of the unappropriated lands within this State according to such powers and directions as shall from time to time be prescribed by the legislature; and all and every of the powers and trusts to be vested in them by this or any future act, shall and may be lawfully executed by any three of them, the governor or person administering the government of this State for the time being to be always one, and that the secretary of this State shall ex officio always be the secretary of the said commissioners.

And be it etc., That it shall and may be lawful to and for the said commissioners and they are hereby authorized from time to time, to direct and require the surveyor general of this State for the time being, to cause actual survey of the outlines of all such of the waste and unappropriated lands of this State, as they shall deem proper for sale, and most promotive of the interest of this State, to be made, provided always that the said commissioners whenever they shall think proper, may direct the surveyor general, to lay down on a map any tract of land for sale, without proceeding to the survey of the outlines thereof.

And be it etc., That it shall and may be lawful to and for the said commissioners and they are hereby required from time to time to direct the surveyor general to lay each and every of the tracts, directed to be laid out by the said commissioners into townships on a map to be by him made, each township to contain as nearly as may be sixty four thousand acres of land, and as nearly in squares as local circumstances will permit.

And be it etc., That the said surveyor general, where any township shall include lands heretofore granted, under the great seal of the late colony of New York, or under the great seal of this State, or which may have been located as bounty lands by virtue of any law of this State, or shall have been granted, or determined to be granted by the said commissioners on equitable claims, shall lay down the same on the map thereof and the unappropriated lands in such township or townships only, shall be sold in manner hereinafter directed.

And be it etc., That the said surveyor general as soon as may be, shall make a map of such tracts so intended for sale, on which shall be laid out, the townships contained therein, which townships shall be numbered from number one progressively to the last inclusive, and each township shall on such map be subdivided into lots as nearly square as may be, and each lot to contain six hundred and forty acres, or as nearly so as may be, and the lots in each township shall be numbered from number one to the last inclusive in arithmetic progression, and on every fourth township in such map shall be written "To be sold by single lots." And one copy of such map shall be filed in the office of the secretary of this State, and the original thereof in the said surveyor generals office, and the said secretary and surveyor general respectively, shall cause the maps so to be filed, to be put up in some conspicuous part of their respective offices, and shall permit any person whatever, freely to inspect such maps between the hours of nine and twelve in the morning, and three and six in the afternoon, of every day Sundays only excepted, on paying for inspection in morning sixpence, and the like in the afternoon.

And be it etc., That the said surveyor general shall, immediately after having filed such map as aforesaid in the secretarys office, give notice thereof by public advertisement, to be published in at least three of the newspapers printed in this State, and shall in the said advertisement mention and appoint a day certain, not more than forty, nor less than thirty days from the day on which such advertisement shall be first published, on which day he will commence the sale of the said lands at public vendue, to the highest bidder, and shall also mention in such advertisement, the place where such vendue will be held.

And be it etc., That at every such sale, the said surveyor general shall put up to sale, as nearly as may be, one quarter part of the unappropriated and unreserved lands in every township, in lots contiguous to each other, and shall strike off the same to the highest bidder, with a reservation of five acres of every hundred acres so sold, for highways, and shall continue to

sell in such quarter parts until the whole of such townships are sold. Provided that none of the lands so laid out shall be sold at a less price than one shilling per acre. And provided also that the first fourth township, and every other fourth township in the said tracts, shall be sold by single lots only, and not otherwise.

* * * * *

Be it therefore etc., That it shall and may be lawful to and for the said commissioners to direct the surveyor general, to sell all or any of the said townships and smaller tracts remaining unpatented, in such parts and parcels, as they shall direct, and the said surveyor general shall advertise, sell and certify the same in manner herein before directed; and the treasurer shall endorse on every such certificate on payment of the purchase money, and letters patent shall pass for the same, as herein before directed.

And be it etc., That in every township so laid out, or to be laid out as aforesaid, the surveyor general shall mark one lot on the map "gospel and Schools" and one other lot "for promoting literature" which lots shall be as nearly central in every township as may be, and the lots so marked shall not be sold, but the lot marked "gospel and schools" shall be reserved for, and applied to, promoting the gospel and a public school or schools in such township; And the lot marked "for promoting literature" shall be reserved to the people of this State, to be hereafter applied by the legislature for promoting literature in this State.

And be it etc., That the said surveyor general shall, within thirty days next after the sale of any of the lands herein before directed to be sold by virtue of this act, make return of every such sale to the treasurer of this State, and if the purchasers or some other persons on their behalf respectively, do not pay the purchase money due on the sale within the time or times herein before limited, the said treasurer shall transmit to the said surveyor general, the name of every delinquent purchaser, and the surveyor general shall thereupon advertise all the lands so sold and not paid for, to be again sold at a time and place in such advertisement to be mentioned and in manner aforesaid.

And be it etc., That the said commissioners shall designate every township to be laid out by virtue of this act, or which is already laid out, by such name as they shall deem proper, and such name shall respectively be mentioned in the letters patent for granting a township or part of a township.

And be it etc., That all lands for which letters patent have at any time heretofore been granted, and which have since been vacated, by laws of the late colony of New York, all lands having been so granted, and which have been resigned to the crown of Great Brirain while this State was a colony, and not regranted, are hereby declared lands on which locations might have been and may hereafter be legally made.

* * * * *

And be it etc., That it shall be lawful for any person (who shall heretofore have made any location for bounty lands, or who shall hereafter make a location for such lands, and whose locations have not been or hereafter shall not be allowed of by the said commissioners or the surveyor general) to locate on any of the vacant and unappropriated lands subject to location for bounty lands in and by this act.

And be it etc., That it shall and may be lawful for the said commissioners to grant such and so much of the lands under the water of navigable rivers, as they shall deem necessary to promote the commerce of this State. Provided always that no such grant shall be made in pursuance of this act, to any person whatever other than the proprietor or proprietors of the adjacent lands. And provided also, that every applicant for such grant, shall previous to his or her application give notice thereof by advertisement to be published in one of the newspapers printed in this State for six weeks successively, and shall cause a copy of such advertisement to be put up at the court house of the county in which the lands lay so intended to be applied for, and if there be no court house in the county, then at such place as the said commissioners shall direct.

* * * * *

Be it etc., That the said commissioners shall be, and they are hereby authorized to direct the surveyor general to lay out the following tract of land, to wit, beginning at a certain point in

the north bounds of Jessup's purchase, thirty miles distant from the north east corner of two certain tracts of land granted to Philip Skeene by letters patent bearing date the sixth day of July one thousand seven hundred and seventy one, and running thence north to the north bounds of the State, thence easterly along the same twenty miles, thence south to the north bounds of Jessups purchase aforesaid continued easterly, thence to the place of beginning, all which tract of land shall on a map thereof to be made, by the surveyor general, be laid out into townships of ten miles square, and each township shall on the said map be numbered; and the commissioners shall thereupon from time to time devise such regulations for laying out lots of such dimensions, as they shall think proper for satisfying out of the said tract of land such claims of all such persons who are or shall be entitled to grants of lands by virtue of the tenth eleventh and fourteenth clauses of the act entitled "An act for granting certain lands promised to be given as bounty lands by laws of this State and for other purposes therein mentioned," or such of them are as still unsatisfied, as to the said commissioners shall appear best calculated to enable the persons holding such rights to participate as equally as may be in the advantages derived from locating the said lands to which they shall be respectively entitled. Provided that all persons claiming such rights, and who have not already exhibited their claims, shall exhibit their respective claims to the said commissioners on or before the first day of January next, or shall be precluded from the same.

And be it etc., That it shall and may be lawful to and for the said commissioners to appropriate a tract of land in or adjoining to the land set apart in and by this act for the use of persons entitled to grants for military services, not exceeding in quantity six thousand acres to be divided between such refugees who during the late war or since have come from Canada, and who in the opinion of the said commissioners may be entitled to the bounty of this State or of the United States, and who are not provided for by any law of this State.

And be it etc., That on the lands to be granted by this act or any former act, there shall be an actual settlement made for

every six hundred and forty acres, which may be granted to any person or persons, within seven years from the first day of January, next after the date of the patent by which such lands shall be granted, and on failure of such settlement the unsettled lands shall revert to the people of this State, any thing in this act to the contrary notwithstanding.

* * * * *

And whereas by the sixteenth section of the act entitled "An act for granting certain lands promised to be, given as bounty lands by laws of this State" and for other purposes therein mentioned, the surveyor general was directed to make a subdivision of the lands set apart for the Canadian and Nova Scotia refugees into lots of two hundred and fifty acres each. And whereas the laying out of such lots to the Canadian and Nova Scotia refugees as aforesaid, may not in all cases tend to promote a speedy settlement of the said lands for remedy whereof

Be it etc., That whenever it shall appear to the commissioners of the land office, that a deviation therefrom will be beneficial to this State by promoting a more speedy and effectual settlement of the said lands, it shall and may be lawful for the said commissioners to direct a subdivision of such lots in manner and form as to them shall seem proper at the expense of those interested in such subdivisions. Provided always that nothing in this act contained, shall be construed to affect or in any wise annul the proceedings heretofore had by the commissioners in favour of the Canadian or Nova Scotia refugees so far as respects the quantity of lands already set apart for them.

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CHAPTER 69, LAWS OF 1797.

AN ACT for the relief of the Canadian and Nova Scotia refugees.*

Whereas it has been represented to the legislature, that the lands assigned to the Canadian and Nova Scotia refugees, upon

* See Refugee Tract, Vol. I.

actual survey are found to contain a less quantity than was intended to be conveyed to them: And whereas it appears that there remains a sufficient quantity of land originally appropriated for their use unoccupied, to supply the deficiency. Therefore

Be it enacted, That the commissioners of the land office shall cause the deficiency in the quantity of land intended to be granted to the Canadian and Nova Scotia refugees to be ascertained at the expence of the claimants, and shall cause the surveyor general to lay out such deficiency upon the tract immediately west of the land already granted to them, and heretofore set apart for that purpose. —

And be it etc., That the commissioners of the land office shall cause letters patent to be issued to the respective claimants or their legal representatives for the proportion of such deficiency to which they may be respectively entitled upon their paying the patent fees, and their respective proportions of the expences of survey —

CHAPTER 57, LAWS OF 1785.

AN ACT for granting certain privileges to the township of Plattsburgh.

* * * That the several tracts of patented lands, lying on the west side of Lake Champlain, at a place called Cumberland Bay and Cumberland Head in Washington county, bounded north by Beekmans patent, west by unpatented lands, south by unpatented lands and a tract of land granted to Peter Stuart, and east by Lake Champlain, be, and the same are hereby made one township by the name of Plattsburgh. * * *

CHAPTER 55, LAWS OF 1786.

AN ACT to ascertain the south bounds of the township of Beekman lying on the west side of Lake Champlain.

Whereas, by letters patent under the great seal of the late colony of New York bearing date the 27th day of March in the

year one thousand seven hundred and sixty nine, all that certain tract or parcel of land situate lying and being on the west side of Lake Champlain, in the then county of Albany, now Washington, in the then colony now State of New York; beginning on the west bank of the said lake, at the distance of thirty six chains measured on a course north forty three degrees west from a bass wood tree, standing on the west bank of the said lake, at the north east corner of a neck of land called Cumberland Head or point, and runs from the said place of beginning west six hundred and ninety one chains, then north three hundred and forty chains, then east eight hundred and fifty six chains to the said lake, and then along the lake as it runs to the place where the said tract begun, containing twenty two thousand four hundred and seventy five acres and the usual allowance for highways was granted to William Beekman and twenty nine others his associates. And whereas Zephaniah Platt has obtained letters patent under the great seal of this State of New York, bearing date the twenty sixth day of October one thousand seven hundred and eighty-four for a grant of thirty one thousand five hundred acres of land next adjoining the said tract of the said William Beekman and his associates, on the south side thereof, also another patent for twenty nine hundred acres of land, partly adjoining the land of the said William Beekman and his associates as aforesaid. And whereas doubts have arisen concerning the true place of beginning of the said patent of the said William Beekman and his associates. And whereas the parties interested in the said several patents herein before mentioned have mutually consented, to remove any doubts and difficulties that might have arisen from the want of ascertaining the true place of beginning of the said patent of the said William Beekman and his associates, as appears by their petition. Therefore

Be it enacted, That the south bounds of the said tract of land, granted in manner aforesaid to the said William Beekman and twenty-nine others his associates, shall be a line which was run by William Cockburn and John Cox, in the year one thou-

sand seven hundred and eighty-five, for the south bounds of a range of lotts which in their map are distinguished by the numbers seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty-one and eighty-two, which said south bounds are to be continued the same course eastward to that part of the Lake Champlain called the Bay of Saint Amont, and westward as far as the south bounds of the said tract shall extend from the most westerly point of the said south line north three hundred and forty chains, then east to Lake Champlain, and then along the said lake as it winds and turns until it intersects the said south line on the banks of that part of the said lake called Bay Saint Amont, and which line above intended to be described is fixed by mensuration on the said map made by the said William Cockburn & John Cox to lie one hundred and twenty two chains measured on a course north one degree west from the mouth of Sandy creek which empties itself into the cod* of Cumberland bay. Provided always that nothing herein contained shall in anywise take away or injure the several and respective rights, privileges and immunities and emoluments of the said William Beekman and twenty-nine others, his associates and of the said Zephaniah Platt respectively, contained, mentioned and expressed in their said several patents, other than that the line last herein beforementioned shall be the south bounds of the said township of Beekman and the north bounds of the said township of Plattsburgh.

CHAPTER 25, LAWS OF 1787.

AN ACT for the relief of Arthur Noble, and others.

Whereas it is represented to the legislature, that Arthur Noble hath been at great expence, in order to obtain lands in this State, for the settlement of one hundred families; but by unavoidable accidents, hath been hitherto frustrated in his intentions. And whereas the introduction and actual settlement of

* So in the original.

a number of industrious families on the frontiers of this State, would be for the general advantage thereof.

Be it enacted, That it shall and may be lawful for the commissioners of the land office, to grant to the said Arthur Noble, a quantity of land equal to one township of ten miles, or two townships of eight miles square, of the waste and unappropriated lands in any part of this State, on such terms and conditions, as to them shall appear most conducive to the interests thereof, on his, the said Arthur Noble's paying into the treasury of this State, at and after the rate of one shilling per acre, in certificates made receivable by law in the treasury, on the sale of unappropriated land.

* * * * *

CHAPTER 13, LAWS OF 1788.

Be it enacted: That an acre of land shall contain one hundred and sixty square rods; each rod being in length five yards, and one half of one yard; so that when an acre of land shall be sixteen rods in length, it shall be ten rods in breadth.

CHAPTER 95, LAWS OF 1788.

AN ACT directing the settlement of public accounts, and for other purposes therein mentioned.

* * * * *

XXIV. * * * And be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners of the land office, to direct letters-patent to be issued to John Thurman, for the twelfth township in that tract of country called and known by the name of Jessups purchase, for such price per acre as they may judge proper, payable in any of the certificates issued or to be issued by Gerard Bancker, treasurer of this State.

* * * * *

And whereas it appears to the legislature, that Ananias Cooper, Martin Vosburgh, Thomas Lewis, John Van Benthuyssen, and Anthony Hoffman, were entitled to a tract of land being part of a larger tract granted by letters patent to Joseph Totten and Stephen Crossfield, commonly known by the name of Jessups Purchase; and by the events of the late war, the several deeds, vouchers and papers respecting their title to the said lands, had been carried off, and could not afterwards be obtained, before the time limited for them to produce such claims was expired. Therefore to afford relief in the premises,

Be it etc., That the commissioners of the land office, are hereby authorized and directed, to examine into the claims and pretentions of Anthony Hofman, Martin Vosburgh and others, relative to a township of twenty four thousand acres of land, within the limits of the purchase commonly called Jessups Purchase; and if upon such examination it should appear to the commissioners, to be a just and equitable claim, to order and direct so much of the unappropriated lands within the said purchase, or next adjacent thereto, within this State, to be granted to the said Anthony Hoffman and his associates, as they shall deem just and equitable, upon such terms and conditions as lands upon similar claims have been granted; and the like provision is hereby made in favour of Roger Southerland.

* * * * *

CHAPTER 44, LAWS OF 1789.

AN ACT to appropriate the lands set apart to the use of the troops of the line of this State lately serving in the army of the United States and for other purposes therein mentioned.

* * * * *

* * * That the time limited for suing out letters patent by the first paragraph of the fifth section of the act entitled "An act to extend the powers of the commissioners of the land office to the cases therein mentioned and for other purposes passed the 20th of March 1788 is hereby extended to the first

day of March one thousand seven hundred and ninety so far as it respects the Canadian and Nova Scotia refugees.

* * * * *

CHAPTER 66, LAWS OF 1793.

AN ACT for the relief of John Bailey.

Whereas, William Barron, David Stone, Noah Porter and Joshua Lack, were each entitled to two thousand acres of land, in the late Colony of New York, as officers in the British army by virtue of a certain proclamation of the King of Great Britain, bearing date the seventh of October one thousand seven hundred and sixty three, and it is represented to the legislature that Elias Bland, late of the State of New Jersey (deceased), was entitled by purchases from the said William Barron, David Stone, Noah Porter and Joshua Lack, to the said land, amounting in the whole to eight thousand acres, which they had located in a certain tract known by the name of Totten and Crossfield's purchase.

And whereas, It appears to the legislature, that notwithstanding repeated applications were made to the then government by the said Elias Bland, prior to the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy five, and notwithstanding his just and equitable claim thereto, he was not able to procure a patent for the same, before the twenty third day of November, in the year of our Lord one thousand seven hundred and seventy-five, and which was obtained by the said Elias Bland, in the names of the said William Barron, David Stone, Noah Porter and Joshua Lack.

And whereas, the said Elias Bland, after the obtaining the patent for the said tract of eight thousand acres of land, departed this life some time in the year one thousand seven hundred and eighty two, considerably indebted to John Bailey of the city of New York.

And whereas, the said John Bailey, not knowing that the patent or grant so made to the said Elias Bland, was rendered null and void by the constitution of the State, purchased the said tract of eight thousand acres from Joseph Shotwell and

Robert Browne, the administrators to the estate of the said Elias Bland, for a good and valuable consideration.

And whereas, the commissioners of the land office, by virtue of the powers to them for the purpose given, have granted and conveyed the said tract of eight thousand acres, to John Thurman and others, as vacant and unappropriated land.

And whereas the equitable estate to the said eight thousand acres of land, was justly and truly vested in the said Elias Bland, and the not procuring a patent for the same, seems to have been wholly owing to the delay on the part of the then government, by reason whereof the interposition of the legislature has been necessary, in order to do justice to the said John Bailey. Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby directed, to cause letters patent in the usual form, to issue to the said John Bailey for eight thousand acres of such part of the vacant and unappropriated lands within the limits of the aforesaid Totten and Crossfields purchase, in lieu of those lands heretofore mentioned to have been granted to John Thurman and others, in the tract known by the name of Totten and Crossfields purchase, as the said John Bailey shall locate and survey at his expence, on his the said John Bailey's paying one shilling per acre for the same, and producing to the said commissioners conveyances to him or the said Elias Bland from the said William Barron, David Stone, Noah Porter and Joshua Lack, for the said lands.

CHAPTER 51, LAWS OF 1803.

AN ACT for the further relief of John Bailey.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, to issue letters patent to John Bailey, for eight thousand acres* of land in Totten and Cross-

* This land is located in the north half of Township 26, Totten and Crossfield's Purchase, Essex county, and is known on our books as "Bailey's Patent."

field's purchase, according to the directions of the act, entitled "An act for the relief of John Bailey," passed the 12th day of March, 1793, on his producing to the said commissioners satisfactory evidence, that he is invested with the right and title of William Barron, David Stone, Noah Porter and Joshua Lack, to the lands mentioned in the said recited act.

CHAPTER 30, LAWS OF 1795.

AN ACT for the relief of Nathaniel Mallory and others.

Whereas Nathaniel Mallory, David Ward, Daniel Ray, Newill Reynolds, Elias Wilson, Cyrus Wilson, Nathan Warren, Leonard Owen, Charles Owen, David Clemons, Jonas Gibbs junior, Joel Clemons, John Gibbs, John Young, Edward Everit, Thaddeus Owen, Mosely Wood, Theophilus Clark, Nathan Ford, Uriah Hancock, Daniel Hamblin, Larned Lamb, Jabisk Warren, Zaccheus Mallory, John Pray, Justin Narremore, John Blanchard, Isaac Finch junior, James Finch, Zaccheus Palmer, Zephania Palmer, David Mallory, Ebenezer Ward, Robert Everit and Nathan Baldwin, have by their petition represented to the legislature, that some of them are now living on, and others of them have lately begun to make improvements on, lands belonging to the people of this State in the county of Clinton under promises from sundry persons to lay locations on the said lands, but who have since laid them on other lands, so that without legislative relief they must lose their improvements. Therefore

Be it enacted, That it shall and may be lawful for the commissioners of the land office, to cause to be surveyed and laid out for the said petitioners one entire tract as near in a square as local circumstances will admit of not less than seven thousand nor more than ten thousand acres of the vacant and unappropriated land belonging to the people of this State, so as to include their present improvements, and shall cause letters patent under the great seal of this State to be issued for the same to the surveyor general of this State and his heirs, in trust for the petitioners and their heirs; and that the surveyor general shall cause the said tracts to be divided among the said peti-

tioners, allowing to each of them an equal quantity as nearly as may be, and so as to include his own improvements, and upon either of the petitioners paying to the surveyor general, six shillings for each acre of the land so allotted to such petitioner, together with an equal proportion of the expence of such surveying and dividing the said tract, and of suing out the said letters patent, and the whole expence of the conveyance to be made to him, the surveyor general shall execute and deliver a conveyance of the said land so allotted to such petitioner, to him and his heirs and assigns for ever; but if any or either of them incline to mortgage their said lands, to secure the payment of the price of the land and the said expences, the said surveyor general shall upon executing every such conveyance to every such person, take a mortgage of the same land from such person in the form hereinafter prescribed, to secure the payment of the said money including also the expence of such mortgage and of proving and registering the same and shall cause every such mortgage to be proved or acknowledged, and registered according to law, and then deliver the same to the treasurer of this State.

* * * * *

CHAPTER 99, LAWS OF 1798.

AN ACT to amend the act entitled An act for the relief of Nathaniel Mallery and others.

That the surveyor general shall lay out for Nathaniel Mallery and the several other persons named in the act entitled "An act for the relief of Nathaniel Mallery and others," a tract of land, to contain not less than seven, nor more than ten thousand acres of the vacant and unappropriated land belonging to the people of this State so as to include the possessions they had on the twenty fourth day of March in the year of our Lord one thousand seven hundred and ninety five, altho' the same may not be in a square but in any other form.* And shall return such survey to

* This tract is the long, narrow strip of land running the entire length of Keene Valley, and from there northward to Wilmington. See large map issued by Forest Commission, in 1893.

the commissioners of the land office, who shall thereupon cause letters patent to be issued for the same to the surveyor general of this State and his heirs, in trust for the several persons who are in the actual possession thereof. And the surveyor general shall thereupon sell and convey to each of the said possessors and his heirs and assigns, his proportion thereof including his actual possession in the manner and upon the terms as near as may be mentioned and prescribed in and by the said act.

CHAPTER 55, LAWS OF 1800.

AN ACT for the relief of John Thurman, and for other purposes.

That all the right, title and interest of the people of this State to the lands herein after mentioned and described, shall be and hereby is vested in John Thurman his heirs and assigns forever, viz: All that tract of land lying and being in the township of Thurman, and county of Washington, between the east and middle branches of Hudson's river; beginning at the southwesterly corner of the twenty fourth township of Jessups, commonly called Totten and Crossfields purchase, thence north fifty nine degrees east, along the line of said township to the east or Scaroon* branch of Hudson's river, thence down the river as it winds and turns to the northeasternmost corner of Hyde township, thence south fifty nine degrees west, along the line of Hyde township to the middle branch of Hudson's river, thence up the said river to the line where this tract first began, containing nine thousand eight hundred and fifty acres of land, be the same more or less; provided nevertheless, and upon condition that the said John Thurman shall on or before the first day of July one thousand, eight hundred and one, pay into the treasury of this State, the sum of fourteen cents per acre for the same, in lieu of all charges and incumbrances. And provided also, that the said John Thurman shall convey to the people respectively who are now in possession of any of the said lands, and their respective heirs and assigns forever, such

* Originally spelled Scarron, then Scaron, and then Schroon.

tract or tracts as may be in their possession respectively, at the rate of two dollars and twenty five cents per acre, payable within fifteen years from the execution of the deeds, with interest at six per cent per annum for the same, payable yearly; the payment of which principal and interest shall be secured by the respective possessors, their heirs or assigns by bonds and mortgages on the premises, to be executed to the said John Thurman at the time of the delivery of the conveyances to such possessors their heirs and assigns respectively.

And whereas the commissioners of the land office, on the fifth day of May in the year one thousand, seven hundred and eighty eight, did resolve, that the twelfth township situate in Washington county, in the tract called Jessup's, or Totten and Crossfields purchase, should be granted to John Thurman, at the price of one shilling and two pence per acre—and whereas letters patent did on the same day issue to the said John Thurman accordingly, by which letters patent, the quantity of acres thereby granted, are mentioned to be twenty five thousand, two hundred, and the said John Thurman paid for the lands granted accordingly. And whereas it now appears that by the boundary lines described in the said letters patent, the quantity of land included in, and granted thereby to the said John Thurman, exceeds the quantity mentioned in the said letters patent, and paid for by the said John Thurman about nine thousand eight hundred and sixty acres, exclusive of about seven hundred, covered by a previous patent, and as it is evident that such excess was included by mistake. Therefore

Be it further enacted, That the grant and confirmation hereby made to the said John Thurman is upon this further condition; that the said John Thurman his heirs or assigns shall also on or before the first day of July, one thousand, eight hundred and two, pay into the treasury of this State, the sum of fourteen hundred dollars, in satisfaction of the said lands so included in the said letters patent by mistake, or reconvey to the people of this State, all the lands so included in the said letters patent, which do not come within the lines of the said twelfth township, on or before the day last aforesaid; and in

case such payment shall be made then the said John Thurman his heirs and assigns, shall be deemed lawfully entitled to all the lands so included in the said letters patent, by the bounds therein mentioned, not previously granted by the people of this State. And in case the said sum of fourteen hundred dollars shall not be paid nor the said conveyance to the people of this State executed on or before the day for that purpose mentioned, the whole grant and confirmation hereby intended to be made, shall be utterly void and all the said lands hereby intended to be granted and confirmed, shall be, and remain to the people of this State, subject to the future disposition of the legislature.

And be it etc., That if the said John Thurman shall at any time, on or before the first day of July next, give and execute his bond to the people of this State of New York, together with such sureties therein, as the comptroller shall approve of, and be satisfied with, for the payment of the aforesaid sums at the periods aforesaid, then and in such case, all and every condition contained in this act and predicated on the payment of money by the said John Thurman shall cease, and the title of the said John Thurman to all the said lands shall become absolute.

CHAPTER 197, LAWS OF 1832.

AN ACT for the relief of the Personal Representatives of John Thurman, deceased.

Sec. 1. The commissioners of the land-office are required to grant one or more letters patent to the person or persons legally entitled to the right and title of John Thurman, to that part of a patent of land at the outlet of Schroon lake, granted to said Thurman by letters patent, dated the eighth day of May, one thousand seven hundred and ninety-five, known as Road patent number two, such quantity of land, in one or more parcels, as shall be equal in value to thirteen hundred and twenty acres of land in said patent, that being the deficiency in said Road patent number two, in full satisfaction of all claims therefor, on his or their releasing to the state all their right and title to that

part of Road patent number two, which the state has heretofore sold or taken possession of.

Sec. 2. For the purpose of ascertaining the present value of said thirteen hundred and twenty acres, estimating the same as if now in a state of nature, with the benefits, privileges and appurtenances to its natural state belonging, the governor for the time being, shall, upon the application to him for that purpose by the said person or persons in the preceding section mentioned, appoint one suitable person, and the said person or persons shall appoint another, and they two shall appoint a third, whose duty it shall be, to associate together, and appraise the value of said thirteen hundred and twenty acres, upon the principle aforesaid, and said persons so designated shall also appraise the land so as aforesaid, to be patented upon the principle now practised on for ascertaining the value of the unappropriated land.

Sec. 3. The comptroller shall audit the accounts for executing this act, on the usual rule for like services, and the treasurer shall pay the same, on the warrant of the comptroller, for that purpose.

CHAPTER 154, LAWS OF 1801.

AN ACT authorising grants of lands to Theophilus Anthony and Joseph Fish.

* * * * *

That the commissioners of the land office may, and hereby are directed to issue letters patent to Theophilus Anthony his heirs and assigns forever for the northern half of township number twenty-two in Jessups Indian purchase* containing twelve thousand acres of land with the usual allowance for highways and bounded as follows, to wit, beginning in the line of mile or marked trees from the landing at a beech tree marked number twenty two standing about ten chains southerly of a birch tree in the said line marked MLII and runs thence along the said line of mile or marked trees south thirty degrees east two hun-

* Totten and Crossfield Purchase.

dred and sixty two chains and a half then north sixty degrees east four hundred and eighty chains then north thirty degrees west two hundred and sixty two chains and a half and then south sixty degrees west four hundred and eighty chains to the place of beginning, provided the said Theophilus Anthony § shall produce to the said commissioners a receipt from the treasurer of this State that he the said Theophilus Anthony has paid into the treasury on account of the people of this State the sum of two thousand dollars in payment for the said land; provided nevertheless, that this grant is on this express condition that the said Theophilus Anthony give and execute good and sufficient deeds of conveyance to each and every person who were actual settlers on any part of said land and had made improvements thereon before the passing of this act which deed shall comprehend the land on which such improvement shall have been made as aforesaid and for such number of acres as such settlers shall choose not exceeding two hundred acres, at the average value per acre that the said Anthony gives the State for the same which deed shall be executed within four years from the passing of this act.

* * * * *

CHAPTER 111, LAWS OF 1804.

AN ACT relative to unappropriated and forfeited Lands, and for other Purposes.

* * * * *

That the lands belonging to the people of this state at Point-Au-Fer, in the county of Clinton, all the lands in the military tract commonly called the hundred acre lots, all the reserved lots other than those appropriated for the use of the gospel, school and literature, and all the unpatented lands lying between the Chenango and Owego rivers in the said tract, shall be considered as unappropriated lands, and as such be subject to be disposed of according to the directions of this and the aforesaid act.

* * * * *

§ The beautiful lakes in Township 23 (T. & C. P.), known as the Anthony Ponds, derive their name from this man.

CHAPTER 6, LAWS OF 1804.

AN ACT for the Relief of the Claimants under John Brown of the State of Rhode-Island deceased, to the Lands therein mentioned.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the estate, right or title of the heirs and devisees of John Brown,* late of Providence in the state of Rhode-Island, merchant, deceased, of, in and to all that tract and parcel of land, which by conveyance bearing date the twenty-ninth day of December, in the year of our Lord one thousand seven hundred and ninety-eight, were conveyed by Philip Livingston of the city of New York, esquire, and Cornelia his wife, and Thomas Cooper a master in chancery for this state, to the said John Brown, pursuant to a decree of the court of chancery of this state, shall not be questioned, impeached, defeated, avoided or in any manner affected by reason or pretext of the alienism of any person to whom the said lands may have been conveyed, by any conveyance prior to the said conveyance above mentioned to the said John Brown.

CHAPTER 141, LAWS OF 1810.

AN ACT making provisions for expenses in surveying certain lands therein mentioned, and for other purposes.

* * * That the treasurer on the warrant of the comptroller shall pay to the surveyor-general such sum as shall appear to be due to him for surveying the lands belonging to the people of this state in Palmer's purchase, pursuant to the act, entitled "an act to lay out and open the highway therein mentioned," passed March 30th, 1809.

And be it etc., That the lots of land in the military tract, which have been ballotted for, and have not yet been patented, and to which the persons for whom they were intended shall not appear to be entitled by any law of this state, shall be considered as unappropriated lands, and be disposed of in the

* Original owner of Brown's Tract; see history of same in Volume I.

manner directed for the sale of unappropriated lands, by an act passed the 6th April, 1803.

Whereas, it appears from a report of the surveyor-general, that the original surveys of some of the bounds of the patents, situated between townships number twenty-four and forty-nine of Totten and Crosfield's purchase, to wit, the tracts called the road patents and the Hoffman township, are extended on to the adjoining unappropriated lands, and such tracts have accordingly been allotted by the proprietors to the same, and therefore, that future difficulties, about said bounds, may be avoided.

Be it etc., That the right, title and interest of the people of the state in and to the unappropriated land, comprehended by the extended bounds of said patents as aforesaid, be and the same are hereby declared to be vested in the persons respectively holding the same, under titles derived from said patents, in the same manner as if the original surveys had been the true bounds thereof: Provided, That no lot or subdivision of said lands shall be affected by this act, unless the appraised value of the unappropriated land, comprehended within the same, be paid into the treasury of this state, within two years from the passing of this act, which appraisements shall be made by the direction of the commissioners of the land office, or approved of by them.

* * * * *

CHAPTER 161, LAWS OF 1817.

AN ACT relating to the bounds of the Hoffman Township, and the road patents, in the county of Essex.

That the third section of the act, entitled "an act making provision for expenses in surveying certain lands therein mentioned, and for other purposes," passed April 2d, 1810," be and the same is hereby revived, and that the rights thereby intended to be given, be confirmed in such of the owners of any lots or sub-divisions of said townships or patents as shall comply with the terms and conditions of said act, within one year from the passing of this act: * * *

CHAPTER 38, LAWS OF 1824.

AN ACT relating to the bounds of the Hoffman Township, and the Road Patent, in the County of Essex.

Be it enacted, That the third section of the act, entitled "an act making provision for expenses in surveying certain lands therein mentioned, and for other purposes," passed April 2d, 1810, be and the same is hereby revived, and that rights thereby intended to be given, be confirmed in such of the owners of any lots or subdivisions of said township or patents, as shall comply with the terms and conditions of said act, within two years from the passing of this act.

CHAPTER 161, LAWS OF 1822.

AN ACT to authorize certain Grants for the purpose of promoting Settlements on the Public Lands, in the counties of Franklin and Essex.

I. Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office to grant, in the manner and subject to the conditions and restrictions herein after imposed one lot in township number ten, of the old military tract, lying in the county of Franklin, to each and every person who shall, within five years from the passing of this act, have cleared and fenced fifteen acres of such lot, and thereon erected a habitable dwelling, and there settled with a family; and also three lots to each and every person who shall have, within four years after the passing of this act, built and put into operation, one good and sufficient grist-mill, within the said township, and one lot to each and every person who shall, within two years after the passing of this act, have built and put into operation, one good and sufficient saw-mill, within the said township; Provided, That the whole number of persons so receiving grants of lots shall not exceed thirty.

* * * * *

IV. And be it further enacted, That all the provisions of this act be, and the same are hereby extended to townships number nine and eleven, of said old military tract, in the counties of Franklin and Essex.

* * * * *

CHAPTER 319, LAWS OF 1828.

AN ACT in relation to Public Lands therein mentioned.

Sec. 1. Any person or persons having any claim against this state, on account of any deficiency of land contained in the grants made by the people of this state to the Canadian and Nova Scotia refugees,* shall present the same to the commissioners of the land-office, within one year after the passage of this act; In case of failure to make such presentation within the time limited, the person or persons having such claim, their heirs and assigns, shall be thereafter barred and precluded from making the same.

Sec. 2. The commissioners of the land-office are directed to sell the lands remaining unpatented, heretofore set apart to be granted to the Canadian and Nova Scotia refugees, and the lands unpatented appropriated for making up deficiencies in the grants made to such refugees, retaining only such a portion of land as, in the opinion of the commissioners, may be necessary for the purpose of satisfying claims for deficiencies which may be presented within one year.

* * * * *

CHAPTER 233, LAWS OF 1843.

AN ACT relating to the Gore between township No. 12 and No. 14 in Totten and Crossfield's Purchase, and for the relief of settlers thereon.

Sec. 1. The commissioners of the land-office may, within one year after this act shall take effect, sell in any manner and upon the terms and conditions prescribed by law for the sale

* See Refugee Tract, Volume I.

of unappropriated lands in this state, to each and every person or persons respectively occupying or possessing any one or more lots of land in the east half of the tract called the North Gore, in the town of Johnsburgh in the county of Warren, and lying between townships numbers twelve and fourteen of Totten and Crossfield's Purchase, as said lots were surveyed and described by John Richards * in the year 1882, such lot or lots respectively belonging to this state, as shall have been so occupied or possessed by such respective person or persons in good faith, for three years at least prior to the passage of this act, and at the price or prices per acre at which such lot or lots were appraised by John Richards, under the authority of this state.

Sec. 2. The commissioners of the land-office may, within two years after the passage of this act, in like manner sell to the legal heirs or devisees of Elizabeth Gilchrist, their heirs or assigns the residue of the east half of the said tract, called the North Gore, in said town of Johnsburgh, belonging to this state, that may remain unsold to the persons mentioned in the preceding section, together with the lots and contracts and receipts as made and executed to and with the said persons under the said section, at the same price per acre that was paid by John Thurman for lands granted to him in township number twelve in Totten and Crossfield's Purchase, on the fifth of May, 1788.

* * * * *

CHAPTER 157, LAWS OF 1847.

AN ACT to confirm the title of John L. Russell, grantee of Theodosius O. Fowler, and of Achille Charles Duke de Broglie and Ida Stael de Holstein his wife, to certain lands in St. Lawrence county.

Sec. 1. The title and estate, at law and in equity, of John L. Russell, in and to certain lands situate in St. Lawrence county, conveyed or intended to be conveyed to him and his assigns,

* A noted surveyor, who surveyed and mapped out a large part of the Adirondack region in Essex county and vicinity. See land map issued by Forest Commission.

either by Theodosius O. Fowler, or by Achille Charles Duke de Broglie and Ida Stael de Holstein, his wife, being part of great tract number three of Macomb's purchase, known as fifteen thousand one hundred and seventy-two acres in the west side of township number six, called Clare, are hereby confirmed to the said John L. Russell and his assigns, so far as the title by conveyance from said Theodosius O. Fowler, or from said Duke de Broglie and his wife, might be affected by the alienage of Madame de Stael, late of France deceased, and of her heirs, and by the provisions of the Revised Statutes in relation to trusts.

* * * * *

CHAPTER 158, LAWS OF 1847.

AN ACT to confirm the title of Mortimer Livingston, grantee of Theodosius O. Fowler, and Achille Charles, Duke de Broglie, and Ida Stael de Holstein his wife, to certain lands in St. Lawrence county.

Sec. 1. The title and estate, at law and in equity, of Mortimer Livingston, in and to certain lands situate in St. Lawrence county, conveyed, or intended to be conveyed to him and his assigns either by Theodosius O. Fowler, or by Achille Charles, Duke de Broglie, and Ida Stael de Holstein his wife, being parts of great tract number three of Macomb's purchase, known as the northeast quarter of township number ten, called Clifton, containing seven thousand seven hundred and thirty-four acres; eight thousand two hundred and sixty-one acres, the east end of the south half of township number fifteen, called Emilyville; and ten thousand three hundred and twenty-eight acres, the west side of township number four, are hereby confirmed to the said Mortimer Livingston, and his assigns, so far as the title by conveyance from said Theodosius O. Fowler or from said Duke de Broglie and his wife might be affected by the alienage of Madame de Stael, late of France, deceased, and of his heirs, and by the provisions of the Revised Statutes in relation to trusts.

* * * * *

CHAPTER 196, LAWS OF 1848.

AN ACT for the relief of the legal heirs and devisees of Elizabeth Gilchrist.

Sec. 1. The Treasurer shall pay on the warrant of the comptroller to the legal heirs and devisees of Elizabeth Gilchrist, the sum of fifteen hundred and ninety dollars and twenty cents, out of the school fund, for moneys paid into the treasury on account of that fund for lands sold, and for moneys received on contracts for the sale of land by the state, under the provisions of an act passed April 18, 1843, entitled "An act relating to the Gore, between townships number twelve and fourteen, in Totten and Crossfield's purchase, and for the relief of the settlers thereon," in full for the amount due said heirs or devisees.

Sec. 2. The amount due on Robert Gilchrist's bond given for the balance due, for two thousand one hundred and sixty-two acres of said land, which bond bears date July 31, 1844, having been deducted from the moneys paid into the treasury by said occupants for a portion of said lands, the comptroller is hereby authorized and required to cancel said bond, and the commissioners of the land office are authorized and required to issue a patent to the heirs of Elizabeth Gilchrist, deceased, for the lands described in said bond.

CHAPTER 311, LAWS OF 1848.

AN ACT in relation to the sale of lands in the Canadian and Nova Scotia refugee tract, in the town of Plattsburgh.

Sec. 1. The commissioners of the land office, if they deem it for the interest of the state, are hereby authorised and directed in the manner now provided by law for the sale of other lands belonging to the state, to sell the whole or any portion of lot number two hundred and fifty-two, in the Canadian and Nova Scotia refugee tract, situate in the town of Plattsburgh, in the county of Clinton, belonging to the state: provided, that nothing herein contained shall be so construed as to alter or impair the control, right and property of the state in and to the stone quarry, now upon said lot, or to authorise the sale thereof, and

provided also that the one half of an acre of said lot upon which the school house of school district number seventeen is situated, and the one acre of ground of said lot now used as burial place, are expressly reserved from the operation of this act.

* * * * *

CHAPTER 274, LAWS OF 1861.

AN ACT for the relief of the heirs and legal representatives of
Ralph Thurman, deceased.

Sec. 1. The board of supervisors of the county of Warren, are hereby authorized and required, at their next annual meeting, to cause to be assessed, levied and collected, upon the taxable real and personal estate of the several towns of the county of Warren, or of any of them, in such proportions as the said board of supervisors shall deem just and equitable, the sum of ten hundred and ninety-seven dollars and eighty cents, being the amount paid by Ralph Thurman, deceased, his heirs or legal representatives, or some of them, as shown by a statement made out at the comptroller's office, and certified to by the tax entry clerk in said office, for taxes erroneously assessed (with the interest thereof) on lots number fifty-four, fifty-five, sixty-six, sixty-seven, seventy-eight, seventy-nine, ninety and ninety-one, comprising the gospel, literature and school lots, reserved by the state, from and within the township number thirteen, in Totten and Crossfield's purchase, in the now town of Johnsburgh, in the county of Warren, and exempt from taxation, with interest on said amount until paid; said taxes having been erroneously assessed upon the said beforementioned lots, from the year eighteen hundred and thirteen to the year eighteen hundred and fifty-nine inclusive, and paid into the treasury of the state, and the county treasury of Warren county, by the said Ralph Thurman, deceased, his heirs or legal representatives, or some of them.

Sec. 2. When the said sum of ten hundred and ninety-seven dollars and eighty cents shall have been assessed, levied, collected and paid into the treasury of the said county of Warren,

as mentioned in the first section of this act, the treasurer of the said county of Warren is hereby authorized and required to pay over the same to the heirs and legal representatives of the said Ralph Thurman, deceased, who shall be satisfactorily proven to said treasurer to be entitled thereto.

CHAPTER 428, LAWS OF 1869.

AN ACT to revive an act entitled "An act for the relief of the personal representatives of John Thurman, deceased," and to provide for the further relief of such representatives or their assigns.

Sec. 1. The act entitled "An act for the relief of the personal representatives of John Thurman, deceased," passed April twentieth, eighteen hundred and thirty-two is hereby revived.

Sec. 2. In case the title to any lands heretofore granted pursuant to said act, has failed, by reason of want of title in the State or by reason of being otherwise appropriated, the Commissioners of the Land Office are hereby authorized to grant and convey to the person or persons entitled to relief under the act hereby revived, additional lands equal in value, in their opinion, to the lands the title of which has thus failed.

* * * * *

CHAPTER 132, LAWS OF 1870.

AN ACT to extend the time for the execution of an act entitled "An act for the relief of the personal representatives of John Thurman, deceased," passed April twenty, eighteen hundred and thirty-two, and to provide for the appointment of new appraisers under said act.

Sec. 1. The act entitled "An act for the relief of the personal representatives of John Thurman, deceased," passed April twenty, eighteen hundred and thirty-two, and revived by chapter four hundred and twenty-eight of the laws of eighteen hundred and sixty-nine, is hereby revived, and may be executed at any

time within one year from the time this act shall take effect, anything in sections forty-four and forty-five of article third of title fifth of chapter ninth of part first of the Revised Statutes to the contrary notwithstanding.

* * * * *

CHAPTER 552, LAWS OF 1881.

AN ACT for the relief of the church of the Mission of the Good Shepherd on Raquette Lake, Hamilton county.

Sec. 1. All the claim, title and interest which the State may have upon, in or to a certain island in Raquette lake, township number forty of Totten and Crossfield's purchase, known as Bluff island, and upon which the Church of the Mission of the Good Shepherd, Raquette lake, has been built, is hereby released unto and vested in the Protestant Episcopal Board of Missions of the diocese of Albany, State of New York, its successors and assigns.

CHAPTER 13, LAWS OF 1883.

AN ACT to prohibit sales of lands belonging to the state in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence and Warren.

Sec. 1. Hereafter and from the passage of this act no sales shall be made of lands belonging to the state situated in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence and Warren.

Sec. 2. Nothing in this act shall be construed as prohibiting the commissioners of the land office from conveying lands heretofore contracted to be sold, and not yet conveyed to the purchasers thereof.

CHAPTER 470, LAWS OF 1883.

AN ACT in relation to State lands. Partition of interests.

Sec. 1. Whenever the State of New York owns an undivided interest with any person in any real estate within this State, or holds and is in possession of any such real property, as joint

tenant or tenant in common with any person within this State who has an estate of freehold therein, and such person may, upon obtaining the consent in writing of the Comptroller thereto, maintain an action for the partition of said property according to the respective rights of the parties interested therein, and for a sale thereof if it appears that a partition cannot be made without great prejudice to the owners, in the same manner as if the State were not entitled to exemption from legal proceedings and with the same force and effect as in other cases, except no costs shall follow judgment thereon. A copy of the summons and complaint in such action shall be served upon the Comptroller of the State and it shall be his duty to deliver the same to the Attorney-General for proper appearance for the State.

Sec. 2. In case any forest lands situated in the counties of Hamilton, Herkimer, St. Lawrence, Franklin, Essex, Clinton, Saratoga, Fulton or Lewis, in which the state is a joint owner or tenant in common with any person or persons, is sold in pursuance of a judgment of the court, as provided in section one of this act, the Comptroller shall in behalf of the State attend the sale of said lands and purchase the same for the State, if said lands can, in the judgment of the Comptroller, be purchased at their fair value.

Sec. 3. For the purpose of paying for lands purchased upon partition sales, as provided in section three of this act, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds of the State not otherwise appropriated, such sums to be paid by the Treasurer of the State upon the warrants of the Comptroller. In case the funds hereinbefore appropriated shall at the date of entry of the judgment of partition, as herein provided, be exhausted, the court shall, upon application of the Attorney-General, direct that no sale be made until the expiration of two months after adjournment of the next session thereafter of the Legislature.

Sec. 4. The commissioners of the land office may, in their discretion, sell any lands which have been any part of the canal

lands of this State and which have been or may be determined and officially declared by the canal board to be abandoned by the State for canal purposes, and also any lands to which the State has acquired title by purchase, on the foreclosure of mortgages taken by any loan commissioner on the loan of certain United States deposit funds, or any loan of money authorized by this State, and also any lands lying within the corporate limits of any city or village and which has not been devoted by statute to some public use. The commissioners of the land office shall have no power to lease any forest lands lying within the counties of St. Lawrence, Franklin, Lewis, Hamilton, Herkimer, Essex, Fulton, Saratoga and Warren.

Sec. 5. The commissioners of the land office are hereby authorized to sell and convey at private contract and sale all the right, title and interest of the people of the State of New York to any lands in the county of Clinton, on such terms as shall be for the best interest of the State; provided, however, that any such sale or sales shall be confined to lands from which the timber has been removed, and to actual settlers, and in tracts of not over two hundred acres in one parcel; and provided further such sales shall be confined to lands purchased for prison purposes. If any part of the price is unpaid at the time the grant is executed the payment of it with interest at the rate of six per cent per annum shall be secured by mortgage upon the lands sold, and upon default of payment thereof of principal or interest, then the said commissioners are hereby authorized to foreclose said mortgage by the sale of said land. No sale under the provisions of this act shall be made, except upon the recommendation of the Comptroller of this State.

CHAPTER 485, LAWS OF 1884.

AN ACT to authorize the commissioners of the land office to lease land in Hamilton County to Frank H. Stott.

Sec. 1. It shall be lawful for the commissioners of the land office to lease to Frank H. Stott for a term of thirty years, upon

such terms and conditions as shall be just and equitable, the lands and premises in township number forty, Hamilton county, upon which (in contemplation of purchase) he has erected permanent improvements, but such lease shall not embrace more than one hundred and sixty acres of land and shall provide for the preservation of the timber upon said premises.

CHAPTER 202, LAWS OF 1891.

AN ACT for the release of the interest of the state in lands in the town of North Elba, Essex county, to Benton Turner.

Sec. 1. All right, title and interest, claim and demand of the state of New York, in and to lot number forty-one, township number twelve, Richard's survey, old military tract, in the town of North Elba, Essex county, state of New York, is hereby released to Benton Turner, upon the payment by him to the comptroller of the state of New York, of the amount secured by a certain bond executed by Richard Lachaman to the state, dated June fifteenth, eighteen hundred and thirty-six, and the interest on such sum to the time of such payment, and in addition thereto, the amount of taxes charged against said lot in the office of the comptroller, September sixth, eighteen hundred and fifty-nine, and interest thereon to the time of such payment, and other taxes, if any, due the state on account of such lot.

PART IV.

GRANTING CHARTERS TO RAILROADS IN THE ADIRONDACKS.

Granting Charters to Railroads in the Adirondacks.

CHAPTER 69, LAWS OF 1832.

AN ACT to incorporate the Great Au Sable Rail-Road Company.

Sec. 1. Elkanah Watson, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Great Au Sable Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point at or near the forks of the Great Au Sable river, and along the valley of said river to lake Champlain at Port Kent, and also to construct branches thereof to the iron ore beds in the town of Peru, in the county of Clinton; to take, transport, carry and convey, property and persons upon the same by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

* * * * *

CHAPTER 277, LAWS OF 1833.

AN ACT to renew and amend the act entitled "An act to incorporate the Great Au Sable Rail-Road Company," passed March 30th, 1832.

Sec. 1. Elkanah Watson, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Great Au Sable Rail-Road Company," for the purpose of constructing a single or double rail-road or way from Keeseville, on the Great Au Sable river, along the valley of the said river, to lake Champlain, at Port Kent; to take, transport, carry and

convey property and persons upon the same, by the power and force of steam, of animals, or of any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

Sec. 2. If the corporation hereby created shall not, within three years from the passage of this act, commence, and within five years thereafter construct, finish and put in operation the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

* * * * *

Sec. 5 The several sections of the act entitled "An act to incorporate the Great Au Sable Rail-road Company," passed March the thirtieth, one thousand eight hundred and thirty-two, except sections first, second, third and fourth, are hereby renewed.

* * * * *

CHAPTER 195, LAWS OF 1834.

AN ACT to incorporate the Manheim and Salisbury rail-road company.

Sec. 1. Jeremiah Drake, D. B. Winton, Andrew A. Fink, with such other persons as shall associate with them for that purpose, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Manheim and Salisbury Rail-road Company," with power to construct a single or double rail-road from the Utica and Schenectady rail-road, between Little-Falls and the East Canada creek, to Nicholsville, in the town of Salisbury, at such points and on such routes as the majority of the directors of said company shall determine, to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passing of this act.

Sec. 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construc-

tion of said rail-road or ways, and expend at least the sum of ten thousand dollars thereon, and shall not, within five years from the passage of this act, construct, finish and put in operation the said single or double railroad, then the said corporation shall thenceforth cease, and this act shall be null and void.

* * * * *

Sec. 15. The company hereby incorporated may join their rail-road with the Utica and Schenectady railroad, at any point between the village of Little-Falls and the East Canada creek, in such manner as may be mutually agreed upon between the said companies.

* * * * *

CHAPTER 442, LAWS OF 1836.

AN ACT to amend an act entitled "An act to incorporate the Manheim and Salisbury rail-road company," passed April 28, 1834.

Sec. 1. The capital stock of the Manheim and Salibury rail-road company shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; the same shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct.

* * * * *

Sec. 4. It shall and may be lawful for the said corporation to make such agreement, contract or arrangement with the Utica and Schenectady rail-road company, as may be mutually agreed upon between the said corporations, by which the said Manheim and Salisbury rail-road company may be authorized and allowed to unite their rail-road with the rail-road of said Utica and Schenectady rail-road company, in such manner that cars or other articles may freely pass from the rail-road of one company to and upon the rail-road of the other company.

Sec. 5. The said Manheim and Salisbury rail-road company are hereby authorized and empowered to continue and extend their road to the north bank of the Erie canal, or such point, either in the town of Danube or the town of Little Falls, as

may be designated by said corporation, and to make all such erections and works as may be necessary for that purpose: Provided, however, that the said corporation shall at all times be required to procure from the canal commissioners, their assent in writing to the construction of the work necessary to carry the said rail-road across the Mohawk river, before such works shall be constructed by said company.

Sec. 6. The said corporation shall be, and are hereby authorized to extend their rail-road from the point designated as the northern termination of the same, by the act hereby amended, through the town of Stratford, in the county of Montgomery, along such route as shall be determined upon by said corporation, to such point upon the southwesterly branch of the Sacandaga river, as may be adopted by said corporation: And also to extend the said road from or near Nicholasville, up the East Canada creek to Morehouse lake in the town of Morehouse.

Sec. 7. The said corporation shall be, and hereby are, authorized to construct a navigable communication by means of canals, locks, dams, and such other works as may be necessary for that purpose, from the point where the rail-road of said company may be terminated, as provided for in the next preceding section, along such route as may be selected by said corporation, through Peseco lake and Lake Pleasant, to the outlet of Lake Pleasant, in the county of Hamilton; and in constructing such navigable communication, it shall be lawful for said corporation to use the natural channels of any lakes, ponds, or streams of water that may be deemed necessary by said corporation.

* * * * *

CHAPTER 387, LAWS OF 1837.

AN ACT to amend an act entitled "An act to amend an act entitled, "An act to incorporate the Manheim and Salisbury Rail-Road Company,"" passed May 24, 1836.

Sec. 1. The name and style of the Manheim and Salisbury rail-road company, shall be changed to that of "The Mohawk and St. Lawrence Rail-Road and Navigation Company."

* * * * *

Sec. 3. The said corporation are authorized to continue their said rail-road, from the termination at Nicholasville, as described in the act first mentioned, by the most eligible route, to Piseco lake, in the county of Hamilton, and thence to the southern end of the lake, connected with Long lake, in said county; and the said corporation are also authorized to construct and make a canal and slack water navigation, from the end of the lake connected with Long lake, as aforesaid, through and along the said Long lake, and the waters connecting with the same, to the outlet of said Long lake; thence down the Racket river, including Tupper's lake, to the high falls on said river, in the county of St. Lawrence; and also to construct and make from the said high falls, either a rail-road or a canal and slack water navigation, or both, to such point on the river St. Lawrence as shall be deemed most advantageous; and said corporation shall have power to take and use, for the purpose of navigation, and render navigable, all the lakes, streams and bodies of water lying and being on said route, with the inlets and outlets thereof.

* * * * *

CHAPTER 414, LAWS OF 1837.

AN ACT to incorporate the Great Au Sable Rail-Road Company.

Sec. 1. Elkanah Watson, and such other persons as shall hereafter become associated with him, are hereby constituted a body politic and corporate by the name and style of "The Great Au Sable Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point at or near the forks of the Great Au Sable river to the most eligible point on Lake Champlain; and also to construct branches thereof to the iron ore beds in the town of Peru, in the county of Clinton, to take, transport and convey property and passengers thereon by the power of steam, of animals or any mechanical power, or any combination of them, for the term of fifty years from the passage of this act.

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CHAPTER 443, LAWS OF 1837.

AN ACT authorizing the appraisement of certain lands belonging to this state, and their conveyance on certain conditions.

Sec. 1. The commissioners of the land-office shall, on or before the first day of July next, or as soon thereafter as may be, cause all the unsold lands of this state, in the Moose River tract, (excepting townships numbers one and six therein,) and also townships numbers four, six, thirty-five, thirty-nine, the southeasterly half of township number twenty-three, and the triangle adjoining the same, in the Totten and Crossfield's purchase, to be appraised at their cash value, by appraisers to be appointed by them.

Sec. 2. Whenever Jeremiah Drake, Daniel B. Winton and Andrew K. Morehouse, and their associates, shall have constructed and put into operation, a rail-road, suitable for the transportation of passengers and freight from the Erie canal, in the towns of Danube or Little-Falls, to Piseco lake, in the county of Hamilton, if within three years from the passage of this act, a conveyance in fee shall be made by the state to the said Jeremiah Drake, Daniel B. Winton and Andrew K. Morehouse, of the aforesaid lands in Moose River tract, excepting townships numbers one and six as aforesaid, and also excepting township number eight, on their paying to this state twenty-five per cent of the said appraised value of the said lands, and securing the balance by bond and mortgage thereon, in six equal and annual installments, with interest at six per cent, payable annually. And whenever the said Jeremiah Drake, Daniel B. Winton and Andrew K. Morehouse, and their associates, shall have constructed and put in operation a rail-road, in continuation of the aforesaid rail-road, suitable for the transportation of passengers and freight, from the said Piseco lake to Long lake in the county of Hamilton, if within six years from the passage of this act, a conveyance in fee shall be made by this state to the said Jeremiah Drake, Daniel B. Winton and Andrew K. Morehouse, of township number eight, in the Moose

river tract, and of the said townships, half townships and triangle aforesaid, in Totten and Crossfield's purchase, on their paying to this state twenty-five per cent of the said appraised value thereof, and securing the balance by bond and mortgage, to be paid by six equal and annual installments, with interest at six per cent, payable annually.

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CHAPTER 233, LAWS OF 1840.

AN ACT for payment of Edwin F. Johnson, for the survey of a route for a rail-road, from Ogdensburgh to Lake Champlain.

Sec. 1. The Treasurer of the State of New York shall pay, on the warrant of the Comptroller, to Edwin F. Johnson, the sum of one thousand eight hundred and ninety-three dollars and ninety-eight cents, which shall be in full of all his claims under the act entitled "An act to authorize the survey of a route for a rail-road from Ogdensburgh to Lake Champlain," passed April 18, 1838.

CHAPTER 346, LAWS OF 1840.

AN ACT to provide for a survey of the several routes for a rail-road from Ogdensburgh to Lake Champlain.

Sec. 1. There shall be appointed by the Governor of this state, three commissioners, whose duty it shall be, to cause to be made, a full and accurate examination and survey of the several practicable routes for a rail-road, from the river St. Lawrence at Ogdensburgh in the county of St. Lawrence, to Lake Champlain, including the route called the Ausable route, with maps, plans and profiles of the same, and an estimate of the expense of making a rail-road upon such of the said routes, including the terms upon which the lands necessary for said road may be obtained from the owners thereof, and conditional releases of the same. But no further surveys, maps or profiles shall be made of any route heretofore sufficiently surveyed, and of which maps and profiles have been made.

Sec. 2. The said commissioners shall also collect all such topographical and statistical information, in relation to the section of country through and near which the said several routes may pass, as will enable the legislature to judge of the expediency of constructing such rail-road, and of the probable amount of business and travel which would pass over the same when completed.

Sec. 3. The said commissioners shall make a full report to the legislature at its next session, of all their proceedings under this act, and for their services shall be entitled to the same compensation, that canal appraisers now by law receive.

Sec. 4. The expenses to be incurred in carrying into effect this act, shall be from time to time audited by the Comptroller, and on his warrant, paid by the Treasurer out of any money in the treasury not otherwise appropriated.

CHAPTER 324, LAWS OF 1845.

AN ACT to provide for the construction of a Railroad from navigable waters of the Great Western Lakes to Lake Champlain.

Sec. 1. All persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body politic and corporate, for the term of fifty years, by the name of "The Northern Railroad Company," for the purpose of constructing and maintaining a railroad from Ogdensburgh in the county of St. Lawrence to some point on Lake Champlain, on such route as the majority of the directors of said company shall determine to be best adapted to the public accommodation; * * *

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CHAPTER 311, LAWS OF 1846.

AN ACT to provide for the construction of a railroad and slack-water navigation from or near Port-Kent, on Lake Champlain, to Boonville.

Sec. 1. All persons who shall become stockholders pursuant to this act shall be, and they are hereby constituted a body politic

and corporate, by the name of "The Northern Slack-water and Railway Company," for the purpose of constructing and maintaining a railroad between the village of Port-Kent, or its vicinity, in the county of Essex, and some point on the Saranac river, at or near McClenathan falls, by the most eligible route, from thence by river, canal and lake navigation, through Saranac river, Racket river, Long lake, Crotchets and Racket lakes, also the Moose lakes, to some convenient point on the Moose river, and from thence by railroad by the most eligible route to intersect with the Black River canal, at or near Boonville in the county of Oneida, with liberty to construct the entire route through as above specified, from at or near Port-Kent to, at or near Boonville; and also with the liberty of constructing the railroad and river, lake and canal navigation at or near Port-Kent, in the county of Essex, to and including Long lake, in the county of Hamilton, retaining for the purpose of such construction, all the rights and privileges hereby granted; and also with the like liberty of constructing the railroad, river, lake and canal navigation from some point at or near Boonville, in the county of Oneida, through a part of Moose river, the Moose lakes, Racket and Crochet lakes, to Long lake, in the county of Hamilton, retaining also for the purpose of such construction all the rights and privileges hereby granted, with authority to take, transport, carry and convey property and persons upon the same, or either of the parts so to be constructed as above, by the power of steam, of animals, or any mechanical power, or of any combination of them; and also with the further exclusive right and liberty, within twelve years from the passage of this act, of connecting with any point or points upon the entire line of communication, either by canals, railroads, or in any other manner, the waters of any part of the Beaver, Hudson, Racket and Saranac rivers, or lakes north of the north bounds of Saratoga county, with the same rights, privileges and disabilities as are herein and hereby created or imposed in reference to the line or route, or lines or routes, hereby authorized to be made and constructed as aforesaid.

Sec. 2. If the said corporation shall not, within three years from the passage of this act, commence the construction of said railroad or water navigation, and expend the sum of twenty-five thousand dollars, and shall not, within four years from the passage of this act, finish and put in operation the said railroad and water navigation between Long lake, and at or near Boonville, or shall not, within seven years from the passage of this act, finish and put in operation the said railroad and water navigation between Long lake and some point at or near Port Kent, then the said corporation shall thenceforth forever cease, and this act shall be void; except that if one hundred thousand dollars shall have been expended by said corporation, such portion of said road as shall have been constructed, shall be vested in said corporation for and during the period allowed in this act of incorporation. But the said corporation shall be allowed the term of ten years from the passage of this act to construct the railroad and water navigation from, at or near Boonville, in the county of Oneida, to, at or near Port-Kent, in the county of Essex.

Sec. 3. The capital stock of the said corporation shall be two millions of dollars, which shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property and be transferred in such manner as the said corporation shall in its by-laws direct.

Sec. 4. William V. K. McLean of Ausable, Clinton county, Thomas A. Tomlinson of Keeseville, John Rogers of Black Brook, Clinton county, Farrand N. Benedict of Burlington, Vermont, Francis Seger, of Lewis county, Rutger B. Miller of Oneida county, Gerrit Smith of Madison county, and Amos Dean of Albany, shall be commissioners, * * *; and the said directors shall cause such examinations and surveys for the said railroad and water navigation to be made as may be necessary to the selection by them of the most advantageous course for the said road and water navigation from said Boonville to said Port-Kent, or from said Boonville to Long lake, or from Long lake to said Port-Kent or its vicinity, as they or a majority of them shall deem expedient; * * *

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CHAPTER 274, LAWS OF 1848.

AN ACT extending the time for the construction of a railroad and slack water navigation from or near Port Kent, on Lake Champlain, to Boonville.

Sec. 1. The second section of the act entitled "An act to provide for the construction of a railroad and slack water navigation from or near Port Kent, on Lake Champlain, to Boonville," is hereby amended so as to read as follows: "If the said corporation shall not within seven years from the passage of this act as amended, commence the construction of said railroad and slack water navigation, and expend the sum of twenty-five thousand dollars, and shall not within eight years from the passage of this amendment, finish and put in operation the said railroad and slack water navigation between Long lake and at or near Boonville, or shall not within eleven years from the passage of this amendment, finish and put into operation the said railroad and slack water navigation between Long lake and some point at or near Port Kent, then the said corporation shall thenceforth forever cease, and the act incorporating it shall be void; except that if one hundred thousand dollars shall have been expended by said corporation, such portions of said road as shall have been constructed shall be vested in said corporation for and during the period allowed in said act of incorporation, but the corporation shall be allowed the term of fourteen years from the passage of this amendment to construct the railroad and slack water navigation from at or near Boonville, in the county of Oneida, to at or near Port Kent, in the county of Essex."

CHAPTER 207, LAWS OF 1848.

AN ACT incorporating the Sacketts Harbor and Saratoga Railroad Company.

Sec. 1. It shall be lawful for Elisha Camp, Jesse C. Dann, Augustus Ford, Thomas S. Hall, Samuel T. Hooker, Dyer N. Burnham of Sacketts Harbor, Francis Segar, Dean S. Howard of

Lewis county, Edward Edwards, Thomas J. Marvin, Gideon M. Davison, and Lebbeus Booth of the county of Saratoga, Hiram McCollom, Patrick S. Stewart of Carthage, Jefferson county, John Felt, Charles E. Clark of Champion, Jefferson county, and their associates when duly formed into a corporation, under and in pursuance of the act entitled "An act to authorise the formation of railroad corporations," to construct and maintain a railroad, with all necessary depots, buildings, apparatus and fixtures, from Sacketts Harbor, in the county of Jefferson, to Carthage in the said county on the most eligible and direct route, and a railroad from Carthage aforesaid, by the most direct and eligible route, to the most convenient point of connection with the Saratoga and Schenectady railroad, in the county of Milton or in the town of Saratoga Springs, in the county of Saratoga, and such corporation when duly formed, may take and appropriate private property for the construction and maintenance of said road, under and in pursuance and in the manner as aforesaid in and by said act.

Sec. Whenever said corporation shall be organized according to the act aforesaid, and shall have paid into the treasury of this state the sum of five thousand dollars, then and from the time of such payment, for and during the term of three years thereafter, said corporation shall be entitled to the preemption right of selecting and purchasing any quantity of land, not exceeding two hundred and fifty thousand acres, from lands belonging to the state, in the counties of Herkimer and Hamilton, to be located in tracts of not more than two thousand nor less than one thousand acres each, and no two of said tracts to adjoin or approach each other so near as not to leave between them an unappropriated tract of one thousand acres; so long as the unsold lands in said counties shall furnish a quantity sufficient for such selection. And in case the said corporation shall so purchase more of said lands than can be thus located, then they may purchase also such or so many of such intermediate tracts as may be necessary to make such quantity as they may purchase under this act; and so often as the said corporation shall expend twenty-five thousand dollars east of

Carthage, towards the construction of their road, and pay into the treasury of the state, at the rate of five cents per acre, the comptroller shall convey to said corporation from time to time, and as often as twenty-five thousand acres of said two hundred and fifty thousand acres, until the whole amount shall have been purchased.

Sec. 3. Whenever said corporation shall make a purchase of state lands in manner aforesaid, the comptroller shall deduct from the payments to be made for such lands, the five thousand dollars theretofore paid into the treasury by the said corporation: Provided however, that in case said corporation shall neglect to make any selection within three years from the passage of this act, or not amounting at the rate per acre fixed by this act, to said five thousand dollars, then said sum, or so much thereof as shall remain unapplied to the purchase of lands, as provided for by this act, shall be forfeited to the people of this state.

Sec. 4. The said corporation shall be empowered to sell, lease or mortgage any lands purchased by them of the state, or which shall have been granted to them by individuals.

Sec. 5. Instead of the time limited in the forty-fourth section of the "Act to authorise the formation of railroad corporations," for the commencement and completion of railroads, the corporation authorised under this act shall be empowered to commence the construction of their road at any time within three years, and to complete the same within ten years.

CHAPTER 72, LAWS OF 1851.

AN ACT to amend the act entitled "An act incorporating the Sacketts Harbor and Saratoga Railroad Company," passed April 10, 1848.

Sec. 1. The provisions of the act to authorize the formation of railroad corporations and to regulate the same, passed April 2d, 1850, are hereby extended to the Sacketts Harbor and Saratoga Railroad Company, and the rights, powers and privileges

of said company as incorporated April 10, 1848, are extended one year.

CHAPTER 244, LAWS OF 1853.

AN ACT to amend "An act incorporating the Sackett's Harbor and Saratoga Railroad Company," passed April 10th, 1848.

Sec. 1. That the articles of association and affidavit, filed in the office of the secretary of state on the twenty-third day of February, 1852, and recorded in said office, which articles were entered into and said affidavit made, and both so filed and recorded, for the purpose of incorporating the "Sackett's Harbor and Saratoga Railroad Company," to make a railroad from Sackett's Harbor to the Saratoga and Schenectady railroad, as authorized by the act of April 10th, 1848, to "incorporate the Sackett's Harbor and Saratoga Railroad Company," and by subsequent enactments of the legislature, shall be deemed and held effectual for that purpose from the time when said articles and affidavit were so filed and recorded as aforesaid; and said corporation, so created, shall have, hold, and enjoy, from that date, all the rights and privileges conferred or intended to be conferred on the corporation authorized by the act first aforesaid, and by the general act of April 2d, 1850, to authorize the formation of railroad corporations and to regulate the same. But nothing in this act shall be construed to authorize the company to change the terminus of said railroad from Sackett's Harbor or Carthage.

CHAPTER 273, LAWS OF 1854.

AN ACT to permit the Sackett's Harbor and Saratoga Railroad Company to construct a portion of its road through a portion of Warren and Essex counties.

Sec. 1. It shall be lawful for the Sackett's Harbor and Saratoga Railroad Company to construct a portion of its road through the counties of Warren and Essex, or either of them, and thence westerly through the counties of Hamilton, Herki-

mer, Lewis and Jefferson, to Carthage, on the most eligible route.

CHAPTER 122, LAWS OF 1855.

AN ACT to extend the pre-emptive rights of the Sacketts Harbor and Saratoga Railroad Company to purchase lands of the State.

Sec. 1. The pre-emptive right of selecting and purchasing two hundred and fifty thousand acres of land belonging to the state, in the counties of Herkimer and Hamilton, by the Sacketts Harbor and Saratoga railroad company, pursuant to the provisions of the act entitled "An act to incorporate the Sacketts Harbor and Saratoga railroad company," passed April ten, eighteen hundred and forty-eight, and subsequent acts passed in relation to the same, is hereby extended to said company until the expiration of six months after the final judgment shall be entered upon the decision of the supreme court, or if appealed from, then six months after the final judgment of the court of appeals, in any proceedings which may be lawfully instituted in said court by the said company, to compel the comptroller to convey the lands, intended to be sold to the said company by the said act of April ten, eighteen hundred and forty-eight, and the laws relating to the same, or to compel the commissioners of the land office to vacate any sales or pretended sales that may have made of said lands to other parties since the passage of said acts; also till the expiration of six months after the final judgment of the said courts upon any proceedings which may be lawfully instituted by any party, to whom the commissioners of the land office may have sold, or pretended to have sold any of the said lands since the passage of the said acts, to obtain a patent or patents therefor.

Sec. 2. All the proceedings by the company to obtain a conveyance of the said lands, or to vacate or set aside the said sales or pretended sales, and all proceedings on the part of the parties claiming the said lands under the said sales or pretended sales, shall be commenced within one year from the passage of

this act, and prosecuted to a final decision as rapidly as the rules and practice of the court will permit.

Sec. 3. The commissioners of the land office shall convey to the said company on demand, all the right, title and interest of this state in and to such parts of two hundred and fifty thousand acres of land in said counties, as is now in the possession of this state, and not claimed adversely by others, and said company after the conveyance to them by the state of any lands in pursuance of the act entitled "An act to incorporate the Sacketts Harbor and Saratoga railroad company," passed April ten, eighteen hundred and forty-eight, and subsequent acts passed in relation to the same, may lease, mortgage or sell any lands which may or shall be thus conveyed to them, in pursuance of the provisions aforesaid, and such leases, mortgages or sales shall be deemed good and valid, according to the terms and conditions thereof, as against the said corporation.

CHAPTER 98, LAWS OF 1857.

AN ACT exempting the land of the Sacketts Harbor and Saratoga Railroad Company from taxation until the sale of the same or the maturity of their bonds.

Sec. 1. From and after the passage of this act, the lands of the corporation "The Sacketts Harbor and Saratoga Railroad Company," by whatever name the said corporation may hereafter be lawfully called, or which it shall hereafter acquire on existing contracts, or existing pre-emption rights, shall be free and exempt from all taxation until the twelfth day of September, one thousand eight hundred and seventy-nine; but this section shall not apply to the road-bed or track, nor to lands occupied or used for structures necessary to the working of its road, nor to any lands after the same shall have been sold by said corporation.

Sec. 2. The said corporation shall report annually on the first Monday of January, to the state engineer and surveyor, the quantity of lands sold, a description thereof, and to whom sold, and all deeds of conveyance shall be recorded in the office of the clerk of the county where the lands so sold are situated.

CHAPTER 280, LAWS OF 1857.

AN ACT to change the name of the Sacketts Harbor and Saratoga railroad company, and to allow it to construct branch roads, and to amend its charter.

Sec. 1. The name of the Sacketts Harbor and Saratoga railroad company, is hereby changed to "The Lake Ontario and Hudson river railroad company."

Sec. 2. The said corporation by the style and description of "The Lake Ontario and Hudson river railroad company," shall continue to have, hold, enjoy, possess, maintain and be entitled to, all the grants, rights, contracts, property, franchises and privileges and may do and enjoy all franchises, rights and things whatever, and shall be subject to all the duties and liabilities of every kind as if this act had not been passed.

Sec. 3. This act shall not impair or invalidate any bond, stock, scrip, contract, liability or other security, evidence or writing issued by or appertaining to this corporation, under the name of "The Sacketts Harbor and Saratoga railroad company," but the same shall continue to be binding and obligatory upon the said corporation by the name and style of "The Lake Ontario and Hudson river railroad company," and it shall be lawful for the said corporation to issue stock, scrip, bonds, agreements, contracts and undertakings, and receive all things under the name last aforesaid, as fully as could have been done by said corporation were it not for the passage of this act.

Sec. 4. This act shall in no wise affect the organization or officers of this corporation, but they shall continue in office and the organization remain the same as if this act had not been passed.

Sec. 5. This act shall in no way affect any action or legal proceeding now pending, in favor or against this corporation, but the same may be prosecuted to a final determination in its original name, or either party may substitute the name as authorized by this act, and any judgment or decree therein, shall be valid and effectual for the benefit of or against said corporation.

Sec. 6. It shall be lawful for this corporation to construct and use one or more branch railroads connecting with the main road of said company, at such points or places as the directors shall determine, and also to continue the said road from its present termination by its charter, to tide water at, in or near Troy or Albany; and each and every such branch railroad, or any continuation of said road, shall be part and portion of the railroad and property of this corporation and subject as such to all laws of this state in reference to this company.

Sec. 7. It shall be lawful for said corporation to connect its railroad with any one or more of the existing railroads leading from its present termination by its charter, in the county of Saratoga, to Troy, Albany or Schenectady, either by purchase or lease, and every contract for purchase or lease, which may be made, is hereby authorized and shall be in all respects legal and binding upon the parties thereto.

CHAPTER 425, LAWS OF 1857.

AN ACT to incorporate the Mohawk and Moose River Railroad Company.

Sec. 1. It shall be lawful for Erastus Corning, Edward C. Delavan and Benjamin Tibbets, of Albany, Abram R. Lawrence, John F. Butterworth and Anson Blake of New York, Theodore P. Ballou of Utica, Albert G. Story of Little Falls, Oliver Ladue of Brocket's Bridge, John G. Pitt of Salisbury Centre, William M. Dutton of Stratford, William Kingsbury of St. Johnsville, and Albert Hough of Schenectady, and their associates, when duly formed into a corporation under and pursuant to the act entitled an act to authorise the formation of railroad corporations and to regulate the same, except as hereinafter provided, to construct, maintain and operate a railroad with all necessary depots, buildings, apparatus and fixtures from some point of connection with the New York Central railroad, and Erie canal, in the counties of Montgomery or Herkimer, on the most eligible route to some point on the Moose river lakes, in Herkimer or Hamilton counties; and such corporation when duly formed,

may take and appropriate private property for the construction and maintenance of said road, under and in pursuance and in manner as by said act provided.

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Sec. 7. Said corporation may take and hold by grant, gift or purchase, any personal property or real estate, necessary to the construction of said road, and such other real estate, consisting of wilderness lands, lying in the counties through which the route of said railroad shall be located and which the directors may deem necessary or expedient for said company, and may sell, lease, convey in trust or mortgage any of its lands or effects, as the directors may deem advisable for the purposes aforesaid.

CHAPTER 37, LAWS OF 1860.

AN ACT to facilitate the completion of the "Lake Ontario and Hudson River Railroad."

Sec. 1. Upon the foreclosure of the mortgages of the Lake Ontario and Hudson River Railroad Company, of its railroad and franchises, by any of the bondholders of said company, or by any other person or persons, such purchaser or his assigns, upon the payment of the amount of the purchase price, shall have, hold, possess, and become absolutely entitled to all of the rights, privileges, franchises and exemptions which were, at the time of said sale, applicable to or owned by the said Lake Ontario and Hudson River Railroad Company; and such purchaser or his assigns, shall have the right to associate with himself such other parties as he or they may choose, and proceed to the formation of a new company for the construction and completion of the said road.

Sec. 2. The said company when thus formed, shall be authorized, during the period of its charter, to convert and prepare for market, the native products of the forest, and to mine and prepare for market the iron ores upon the lands owned by them, and to transport, sell and dispose of the same.

Sec. 3. Unless the said new company shall be duly organized within six months from the passage of this act, and shall also within eighteen months thereafter complete and operate its road substantially upon the line so purchased, from either Saratoga Springs or Ballston, to the Sacandaga river in the town of Hadley; and shall also within three years thereafter, complete and operate said road substantially upon the line as now surveyed, to the south line of Essex county, this act shall become null and void.

Sec. 4. The said new company when thus formed shall be subject to the various provisions of the act passed April tenth, eighteen hundred and forty-eight, incorporating the Sacketts Harbor and Saratoga Railroad Company, and the acts amending the same, so far as the same are consistent with this act.

Sec. 5. The time allowed said Lake Ontario and Hudson River Railroad Company by law for the completion of its entire road as originally contemplated by its charter, is hereby extended to said new company five additional years.

CHAPTER 45, LAWS OF 1861.

AN ACT to amend an act passed February eighteenth, eighteen hundred and sixty, entitled "An act to facilitate the completion of the Lake Ontario and Hudson River railroad."

Sec. 1. "The Adirondac estate and railroad company," having been duly organized pursuant to the third section of the act passed February eighteenth, eighteen hundred and sixty, on the eleventh day of August eighteen hundred and sixty, and within six months from the passage of said act, as required by said section, the "time to complete and operate said road from Saratoga Springs or Ballston to the Sacandaga river," limited in said third section to eighteen months after such organization, viz: the eleventh day of February, eighteen hundred and sixty-two, is hereby extended nine months, viz: until the eleventh day of November, eighteen hundred and sixty-two.

CHAPTER 90, LAWS OF 1862.

AN ACT to facilitate the construction of the Adirondac Railroad.

Sec. 1. The time for the Adirondac Estate and Railroad Company to complete and operate its railroad from Saratoga Springs or Ballston to the Sacandaga river as now limited by law, is hereby extended to the eleventh day of November, A. D., eighteen hundred and sixty-three, and the time to complete and operate the same to the south line of Essex county, is hereby extended to the eleventh day of November, A. D., eighteen hundred and sixty-six, without prejudice to any of the rights, privileges, franchises or exemptions of said company; provided that the said company shall expend by or before the first day of November next, the sum of thirty thousand dollars upon the construction of that part of its road lying southerly of Stony creek, and the further sum of one hundred thousand dollars on the purchase of materials and in work upon the same part of its road, by or before the first day of July, A. D., eighteen hundred and sixty-three, otherwise this section shall become void.

Sec. 2. The evidence of the expenditure of the several sums of money mentioned in the foregoing first section, shall be the affidavit of the president and of the engineer, or of the vice-president and of the engineer of said company, specifying in detail the amount and items of such expenditure, which shall be filed in the comptroller's office within ten days after each of the several days above limited for the making of such expenditure.

CHAPTER 152, LAWS OF 1863.

AN ACT to incorporate the Mohawk Valley and Piseco Railroad Company.

Sec. 1. Abraham Nellis, of the town of Palatine, in the county of Montgomery, and such other persons as may associate with him, and their successors and assigns, are hereby constituted a

body corporate, by the name of the Mohawk Valley and Piseco Railroad Company, for the purpose of constructing and maintaining a railroad with one or two tracks, and all necessary and convenient buildings, fixtures, machinery and appurtenances, from some point on the New York Central railroad, between the East Canada creek and the village of Fonda, within the county of Montgomery, to some point in the county of Fulton or the county of Hamilton, passing through such towns and portions of said counties of Montgomery, Fulton and Hamilton, or any of them, as shall be designated by said Abraham Nellis and his said associates, being directors of said company; and for such purposes all the necessary and incidental power is hereby granted to said corporation. The said corporation shall continue for a period of not exceeding fifty years.

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CHAPTER 236, LAWS OF 1863.

AN ACT to encourage and facilitate the construction of a railroad along the valley of the upper Hudson into the wilderness in the northern part of this State, and the development of the resources thereof.

Sec. 1. Albert N. Cheney may associate with him any number of persons, and make and file articles of association as prescribed by the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," Passed April second, eighteen hundred and fifty, for the purpose of constructing and operating a railroad from some point in the county of Saratoga up and along the valley of the upper Hudson into the wilderness in the northern part of this State; and when so organized such corporation shall have the rights and privileges given by said act and the acts amending the same, and be subject to the provisions thereof, except so far as the same are inconsistent with the provisions of this act.

Sec. 2. The said corporation, when so formed, may purchase, take and hold lands to the amount of one million of acres of lands in said wilderness in addition to the lands which it shall

be authorized to take under the provisions of the said act, passed April second, eighteen hundred and fifty, and the acts amending the same; and all of said lands shall be free and exempt from all taxation until the twelfth day of September, eighteen hundred and eighty-three; but such exemption shall not extend or apply to the road bed or track of said corporation, nor to lands occupied or used for structures necessary to the working of its road, nor to any lands after the same shall be sold, or contracted to be sold by said corporation.

Sec. 3. The said corporation shall report annually, on the first Monday of January, to the State Engineer and Surveyor, the quantity of lands sold by it, with a description thereof and the names of the grantees of said lands.

Sec. 4. The said corporation, when so formed, shall be authorized during the period of its charter to convert and prepare for market the natural products of the forest and to mine and prepare for market the iron and other ores and minerals upon its lands, and to transport, sell and dispose of the same.

Sec. 5. Unless said corporation shall construct and put in operation at least twenty-five miles of its road by the first day of December, eighteen hundred and sixty-four, and thirty-five additional miles of its road by the first day of December eighteen hundred and sixty-six, and twenty-five additional miles of its road by the first day of December, eighteen hundred and sixty-eight, the said exemptions from taxation shall cease, and said corporation shall not be entitled to said exemptions, unless on or before the first day of January, eighteen hundred and sixty-four, it shall deposit with the Comptroller of this State, in his name of office, a State of New York or United States stock, bearing at least five per cent interest, to the amount of twenty thousand dollars at par, to be held as security for the taxes on the lands aforesaid from the year eighteen hundred and sixty-three to eighteen hundred and sixty-eight inclusive, in case said corporation shall not construct and put in operation the portions of its road in this section mentioned, but in case such portions of said road shall be so constructed and put in operation as before mentioned, the said stock shall be re-transferred to said company, and the said company until default shall be made

in the conditions aforesaid shall be authorized to collect and receive the interest which may from time to time become payable on the said stock so transferred to the Comptroller as aforesaid, and the said Comptroller shall give to the said company the requisite authority to receive such interest. But nothing in this act contained shall be construed to make the State liable to pay any county, town, school or highway tax upon any of said lands hereby exempted from taxation.

Sec. 6. The evidence of the construction and operation of the railroad mentioned in the fifth section of this act, shall be the affidavit of the president, vice-president or chief engineer of said corporation, which shall be filed in the office of the State Engineer and Surveyor not more than ten days after the time limited for such construction.

Sec. 7. The said corporation shall not be required to finish its road and put it in operation, except as mentioned in the fifth section of this act, before the first day of January, eighteen hundred and seventy.

CHAPTER 440, LAWS OF 1864.

AN ACT to construct a highway from Adirondac to Saranac.

Sec. 1. All the non-resident lands in townships twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, in McComb's purchase, in great tract number one, and townships twenty-eight, forty-seven, forty-nine and fifty, in Totten and Crossfield's purchase, are hereby constituted a road district, and William F. Martin, of Harrietstown, and Abel P. Gates, of Newcomb, and Joseph A. Titus, of St. Armand, are hereby appointed commissioners to have charge of said road district, and they and their successors in office shall have all the powers of commissioners of highways in the towns of this State.

Sec. 2. Said commissioners, with the money to be received for highway taxes in said road district, shall lay out and construct a road from some point on the outlet of Lower Saranac lake to Adirondac, or by the most feasible route to the railroad proposed to be made to or near Adirondac.

* * * * *

CHAPTER 60, LAWS OF 1865.

AN ACT to extend the time for the completion of the railroad of the Adirondack Company.

Sec. 1. The several periods of time allowed to the Adirondack Company, a corporation formed under and in pursuance of the act of April twenty-seventh, eighteen hundred and sixty-three, chapter two hundred and thirty-six, for constructing and putting in operation portions of the railroad of said company mentioned in the fifth section of said act, are hereby extended one year each; and said company, upon compliance with the terms of said fifth section as hereby modified, shall be entitled to all the rights, privileges and exemptions conferred by said act.

CHAPTER 250, LAWS OF 1865.

AN ACT to authorize the Adirondack Company to extend its railroad to Lake Ontario or River St. Lawrence, and to increase its capital stock.

Sec. 1. The Adirondack Company is hereby authorized to amend its articles of association so as to enable it, under the general law, to extend its railroad to some point on Lake Ontario or River St. Lawrence, and to increase its capital stock to such an amount as may be necessary for that purpose, not to exceed five millions of dollars additional capital.

CHAPTER 448, LAWS OF 1865.

AN ACT to facilitate the construction of railroads and tram roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor.

Sec. 1. Any number of persons not less than three may form a company for the purpose of constructing, maintaining and operating any railroad or tram road for public use, within the counties of Essex and Clinton, in this state, intended for the transportation of iron ore and pig and bloom iron, and other

products of said counties and manufactures of the same; and may, for that purpose, make and sign and file articles of association in the manner provided in the first section of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty. Such articles of association shall in all respects conform to the requirements of the said first section, except that such articles shall specify the number of directors of the company, which number shall not be less than three, nor more than thirteen, and the names and places of residence of such directors who shall manage its affairs for the first year, and until others are chosen in their places. Such articles of association shall be filed and recorded in the office of the secretary of state, on compliance with the requirements of said act above named, as hereby modified and altered; and, thereupon, the persons who shall have so subscribed such articles of association, and all persons who shall become stockholders in said company, shall be a corporation by the name specified in such articles, and shall possess all the powers and privileges of a corporation, in the same manner, and with the same effect, as if organized under the said act above named.

Sec. 2. The Board of directors of said company shall consist of the number specified in such articles of association; they shall be chosen and appointed in the manner provided by the said act above named; and the stockholders may, at any regular annual meeting, by vote of the stockholders holding a majority of the stock of said company, increase or diminish the number of such directors, provided that the number of such directors shall not be made at any time less than three, nor more than thirteen.

Sec. 3. Section twenty-seven of the act of eighteen hundred and fifty, above named, and the act amending the same, passed April twenty-second, eighteen hundred and sixty-two, shall not apply to the companies formed under this act.

Sec. 4. Subject to the modifications and exceptions hereinbefore contained, all the provisions of said act, passed April second, eighteen hundred and fifty, and of the several acts

amending the same, shall be applicable to the companies to be formed under the provisions of this act, and the companies formed under this act shall possess all the rights, powers and privileges, and be subject to all the requirements, conditions and regulations specified and contained in the act of eighteen hundred and fifty, and the several acts amending the same.

CHAPTER 683, LAWS OF 1865.

AN ACT to organize the Lake and River Improvement and Railroad, and Land Company of the New York Wilderness.

Sec. 1. Charles B. Russel of Troy, John D. Clute of New York, M. A. Herrick of Boston, Justus R. Sackett of New York city, William K. Mead, William E. Thorn and Joel T. Benedict, all of New York city, William Gillis of Fort Covington, Bloomfield Usher, M. C. Turner, George W. Heist, H. D. Cadwell, A. Benedict, and their associates and successors, and all other persons who are or may be hereafter holders of the stock hereinafter mentioned, shall be, and the same are hereby created a body corporate by the name of "The Lake and River Improvement and Railroad and Land Company of the New York Wilderness," for the purpose of establishing and maintaining the transportation, carrying and conveying of persons and property upon and along the Racquette, Moose and Hudson rivers and their tributaries, within the counties of Essex, Hamilton, Herkimer and Lewis, and of connecting the same within said last named counties by canal or rail, or either, or by either in connection with any mechanical contrivance, with the aid of steam, animal or other power.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, and may be increased by resolution of its directors to one million dollars, and shall be divided into shares of one hundred dollars each. The corporation may commence operations whenever twenty-five thousand dollars shall have been subscribed and paid in. The several shares shall be deemed personal property and shall be transferred in such manner as the by-laws of said corporation shall direct.

Sec. 3. The parties above named shall be the first board of directors, to manage said corporation's affairs and to dispose of the stock, and shall hold their office until others are appointed in their places, and the board of directors may receive subscriptions until the whole of said stock be taken.

Sec. 4. The board of directors shall consist of not less than five or more than thirteen, who shall be stockholders of said corporation and who shall have full power to elect officers and appoint such agents as may be necessary to carry out the objects of this corporation, and shall make by-laws for the regulation and management of the affairs of said corporation.

Sec. 5. Any stockholder not paying for his stock when called upon so to do, or within twenty days thereafter, shall forfeit all moneys he may have paid, and his shares shall be cancelled on said company's books and revert to and belong to said company.

Sec. 6. Said corporation is hereby empowered to purchase, receive, take, hold, use and enjoy real estate, chattels real, or easements, not to exceed five hundred thousand acres within the counties named in the first section of this act; and may, by its surveyors, agents and servants and engineers, enter upon, take possession of and use the same, and may sell, convey, mortgage, lease or otherwise dispose of the same, with all the improvements thereon, and may issue such necessary bonds not exceeding in amount in the aggregate the amount of the capital stock actually paid in, as the board of directors shall by vote direct.

Sec. 7. If said corporation shall not be able to acquire by donation or purchase such real estate, chattels real, easements or rights of way as may be necessary for the construction, use and maintenance of its water and railroad or other means of communication and transportation as herein granted, and the necessary accommodations thereby required, the same may be entered upon, acquired, used and appropriated in the same manner and with like effect as corporations organized under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the amendments thereto; and

all provisions of said acts and amendments relative to the acquisition and enjoyment of such real estate, chattels real, easements or rights of way for the purposes aforesaid, or of damages from overflowing water, are hereby made applicable to this corporation, and it shall in all respects take and be subject to the same proceedings as required by railroad corporations for the acquisition, possession and enjoyment of real estate, easements or rights of way, and the collection and payment of damages resulting therefrom; and it shall enjoy the same control over the estate, easement or right of way thus acquired for the purposes of this corporation as would be enjoyed by a railroad corporation on complying with the provisions of said act.

Sec. 8. This corporation shall have the right to make, construct, maintain, enjoy and exclusively control all such improvements and necessary structures and appurtenances, and to remove natural obstructions at any point on its line of improvements, or any portion thereof, as shall be determined by the directors thereof. But this act shall in no way prevent the free navigation of the lakes and still waters and rivers, to the full extent and in the same manner in which the same are now capable of being navigated without the improvements contemplated by this corporation.

Sec. 9. This corporation is hereby authorized to make, use, construct and operate a railroad the whole or any part of the way along its proposed line of improvements, and to construct and operate railroads connecting any of its improvements with the railroad of the Adirondack company or with the Utica and Black river railroad, or both, and may transport persons and property for compensation over the routes of its improvements as made, on such terms as the directors shall determine, and may construct and use thereon such cars, boats or other means of transportation and may employ such motive power as may be necessary to carry out the objects of this corporation.

Sec. 10. Any person wilfully doing, or causing, or permitting to be done, any act whereby any of the property of this corpora-

tion shall be stopped, obstructed, impaired, injured or destroyed, shall be guilty of a misdemeanor, and shall also forfeit and pay to said corporation treble the amount of damages sustained by them, to be recovered by suit in their name, with costs of action.

Sec. 11. Said corporation shall, by July first, eighteen hundred and sixty-six, commence the construction of said improvements as contemplated, and all improvements as fast as completed shall be vested in and belong exclusively to this corporation, as provided in this act. Unless said corporation shall so construct a line of communication the length of such improvements, as herein contemplated, within five years thereafter, all rights under this act shall cease as to any portion thereof not thus contemplated: provided that nothing in this act shall be so construed as to authorize any obstruction by them or otherwise of any of the tributaries of Raquette river, or of its tributaries so as to divert any of such waters into the Hudson river or into the North or Moose rivers, or into any river other than those above named, flowing through St. Lawrence county; provided that nothing in this act shall be so construed as to authorize any obstruction by dam or in any other manner of any of the waters of the Raquette, Saranac or any other river, or of the tributaries of any such river, or of the waters of any lake, pond, or other body of water that empties into or through any such river, so as to divert any of the waters of said rivers, ponds, lakes, tributaries or other waters into any other river or water, or so as to divert or change in any manner the natural courses of any of said waters.

Sec. 12. The stockholders of said corporation shall be jointly and severally individually liable for all debts that may be due and owing to all laborers and workmen employed by them, for services performed for said corporation, and said stockholders in this corporation shall be individually liable for all debts and liabilities until the capital stock shall be actually paid in; and said corporation upon the construction of any portion of the line of improvement by building a railroad, shall possess all the powers and be subject to all the liabilities of the act to

authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty, and the amendments thereto.

Sec. 13. The directors of said company shall make an annual report in detail of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state, and shall also file in said office a detailed statement of tolls received on their roads and water navigation, and the rate of such tolls per mile; and of all moneys expended by said corporation for repairs or otherwise, for the purposes of said road or water navigation.

Sec. 14. The legislature may at any time alter or repeal this act.

CHAPTER 558, LAWS OF 1866.

AN ACT to authorize the construction of a rail road from the village of Carthage to the Oswegatchie river, at or near Harrisville.

Sec. 1. Hezekiah Dickerman, Orlin Holcomb, Lawrence J. Goodale, Nelson D. Ferguson, Franklin G. Connell, George Sweet, William Christian, Samuel Keyes, and George Gilbert, of the county of Jefferson, and Joseph Pahud, Austin Harris and William Hunt, of the county of Lewis, and their associates and assigns, are hereby authorized to construct, maintain, operate and use a railroad, with all necessary depots, buildings, apparatus and fixtures, from the Black river, in or near the village of Carthage, in the county of Jefferson, by the most direct and eligible route, to some point on the Oswegatchie river, at or near the village of Harrisville, in the county of Lewis, together with the necessary connections, turnouts and switches for the proper working and accommodation of the road on said route.

Sec. 2. The cars used on said road shall be drawn by horses, mules or dummy engines. * * *

Sec. 3. It shall be lawful for said grantees and their associates and assigns, to organize under an act of the legislature,

entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, by the name and style of the "Black River and Oswegatchie Railroad Company; * * * .

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CHAPTER 845, LAWS OF 1866.

AN ACT incorporating the New York Northern Railroad Company.

Sec. 1. D. D. Campbell, C. W. Chapin, J. H. Ramsey, C. R. Westbrook, C. W. Gibbs, Thomas Mairs, Charles Stanford, N. J. Schemerhorn, Harvey D. Smith, Robert Furman, J. W. Harcourt, Luke Dodge and Thomas L. Green, are hereby constituted a body politic and corporate, by the name of the New York Northern Railroad Company, for the purpose of constructing and maintaining a railroad between the city of Schenectady and the village of Ogdensburgh, in the county of St. Lawrence, on such route as the majority of the directors of said company shall determine to be best adapted to the public accommodation, and take, transport, carry and convey property and persons upon the same by power of steam, or any other mechanical power, or by animal power, for the term of one hundred years.

Sec. 2. If the said corporation shall not, within five years from the passage of this act, commence the construction of said road, and expend at least the sum of fifty thousand dollars thereon, and shall not within ten years from the passage of this act finish the said road, and put the same in operation, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Sec. 3. The capital stock of the said corporation shall be five million dollars, which shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and transferred in such manner as the said corporation shall in its by-laws direct.

Sec. 4. The persons named in this act shall be the first directors of said company, and shall hold their offices until the

first Monday in June, in the year eighteen hundred and sixty-seven, and till their successors shall be chosen; and it shall be the duty of the officers of said company to give thirty days notice in the public newspapers, published in each of the counties through which said road shall pass, if there be a newspaper published in each of said counties, and also in the State paper, for a meeting of the stockholders at such time and place as the said directors, or a majority of them, shall determine for the election of thirteen directors. The first election for directors shall take place on the first Monday of June, in the year eighteen hundred and sixty-seven, and annually thereafter on the said first Monday in June, and such election shall be then and there made by such of the stockholders as shall then attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling a stockholder to one vote. All elections shall be by ballot, and a plurality of the votes shall constitute a choice.

Sec. 5. The corporation is hereby empowered to purchase or receive by gift, and hold such real estate as may be necessary for accomplishing the objects for which it is granted, and may, by their agents, surveyors and engineers, enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their single or double railroad or way, and the erection of buildings necessary for said road.

Sec. 6. In case said company is unable to agree for the purchase of any real estate required for the purposes of its incorporation, it shall have the right to acquire title to the same in the manner provided in chapter one hundred and fifty of the laws of eighteen hundred and fifty, and the acts amending the same.

Sec. 7. The said corporation is hereby authorized to construct a single or double railroad of suitable width and dimensions, to be determined by the corporation, on the course designated by the directors aforesaid, and shall have power to regulate the time and manner in which passengers and property shall be transported, taken and carried on the same, and shall have

power to erect all buildings necessary for the accommodation of passengers and for the transaction of their business.

Sec. 8. The said directors may make and establish such by-laws, rules and regulations as shall from time to time appear necessary for the government of such corporation and the preservation and due management of their property, interest and affairs.

Sec. 9. It shall be lawful for the said company, from time to time to fix, regulate and receive the tolls and charges by them to be received for transportation of property and persons on the said road.

Sec. 10. It shall be lawful for the directors to open books and to receive subscriptions, to require payment of the sums to be subscribed to the capital stock, at such time and in such proportions and on such conditions as they shall see fit under the penalty of the forfeiture of their stock and all of previous payments thereon, and they shall give notice of the payments they required and of the place and time when and where the same are to be paid, at least thirty days previous to the payments of the same, in the paper published by the State printer, and in such other papers as the said directors shall appoint.

Sec. 11. It shall be lawful for the company hereby incorporated to cross, intersect, join or unite with any railroad company, canal company or private company when associated under any law of this State for the purpose of constructing a railroad on lands purchased for that purpose, at any point which the directors of the said company think advisable, on such terms as the directors of the respective companies may agree upon, and in case of disagreement between the said directors, then at such point and upon such terms as the supreme court of this State shall determine to be just between the said companies.

Sec. 12. The company organized under the provisions of this act shall be subject to all the provisions of chapter one hundred and forty of the laws of eighteen hundred and fifty, and the acts amendatory thereof so far as the same are applicable excepting sections one, two, three, four, five, six and seven.

CHAPTER 894, LAWS OF 1866.

AN ACT to incorporate the Fonda and Ogdensburgh Railroad Company.

Sec. 1. It shall be lawful for Erastus Corning and Edward C. Delavan, of Albany; John F. Butterworth and Anson Blake, of New York city; Frazier Spraker, of Canajoharie, Montgomery county, and John Butterfield and Theodore P. Ballou, of Utica, and their associates when duly formed into a corporation, under and pursuant to the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, except as herein provided, to lay out, construct, maintain and operate a railroad, with all its necessary depots, buildings, apparatus and fixtures, from some point of connection with the Central railroad and Erie canal, at or near Fonda, in Montgomery county, on the most direct and eligible route to Ogdensburgh, in St. Lawrence county; and such corporation, when duly formed, may take and appropriate private property, for the construction and maintenance of said road, under and in pursuance and in the manner as by said act provided.

Sec. 2. The corporators named in section one are hereby authorized to open books of subscription to the capital stock of the corporation, to be formed as provided in the preceding section, at such times and in such places as they may think proper, and may continue to receive subscriptions until the sum of three millions of dollars shall be subscribed; such subscriptions may be for cash, or for such real or personal estate or property or work as may be made available in building said road, upon such terms and conditions as may be mutually agreed upon by the corporators and subscribers; but no such property subscriptions shall be taken at or for any more than the fair value of such property subscribed taking such stock at its par value, and all such lands not necessary for the use of the road, its depots, shops and warehouses, shall be sold by said company, and conveyed within ten years from the passage of this act.

Sec. 3. Whenever three thousand dollars per mile shall be subscribed on any portion of said road, not less than fifty miles in extent, and one hundred dollars per mile paid in cash on said subscriptions, the corporators may call a meeting of the subscribers to organize said corporation and choose directors and officers for the ensuing year. Said meeting shall be held in the city of Albany, and twenty days' notice shall be given of the time and place of meeting by publication in the State paper published in Albany. The corporators shall appoint tellers at the first election of directors and each share of one hundred dollars shall be entitled to one vote. The directors when chosen shall elect one of their number president, and may appoint a secretary and treasurer, and such other officers and agents as they may deem necessary.

Sec. 4. An affidavit of not less than three of the directors shall be made and filed, with the articles of association, with the secretary of State, which affidavit shall set forth the amount of stock subscribed, the amount of cash paid in, and that it is in good faith intended to construct, maintain and operate the road mentioned in said articles of association; which affidavit shall be recorded with the articles of association, and a copy thereof, certified by the Secretary of State, or his deputy, shall be presumptive evidence of the incorporation of said company, and of the facts therein stated.

Sec. 5. All the powers conferred by this act on the corporators named in the first section shall vest in and be conferred on the directors elected by the stockholders; and until such election, the persons named in said section shall be directors of the company hereby formed, and they shall make all such by-laws, rules and regulations, and appoint and employ all such officers, engineers, agents and workmen as they may deem necessary and expedient in carrying out the objects of this incorporation.

Sec. 6. It shall be lawful for the corporators herein named, or the directors of the corporation, when duly formed, to fix a tariff of prices for freight, and passage on their road, or any part thereof, and from time to time to alter the same as they may deem proper, subject, however, to alteration at any time

by the legislature; and ten years is hereby granted said corporation to build and complete said road after the passage of this act.

Sec. 7. Said corporation may take and hold by grant, gift or purchase any personal property or real estate necessary to the construction of said road, and such other real estate as the directors may deem necessary, useful or expedient for said company for the purposes aforesaid, and may sell, lease, convey in trust or mortgage any of its lands or effects, as the directors may deem advisable for the purposes aforesaid.

Sec. 8. The act to incorporate the Mohawk and Moose River Railroad, passed April fourteenth, eighteen hundred and fifty-seven, is hereby repealed.

Sec. 9. It is hereby required that fifty miles of the aforesaid road shall be completed within five years from this date, and that the whole thereof shall be completed within ten years, or the rights, privileges and franchises herein granted shall be void and of no force or effect.

CHAPTER 897, LAWS OF 1866.

AN ACT to authorize a survey for a route of a railroad from the city of Schenectady to a point on the St. Lawrence river, at or near the village of Ogdensburgh.

Sec. 1. It shall be the duty of the State Engineer and Surveyor of this State to appoint a competent and experienced engineer, whose duty it shall be to explore and survey a route for a railroad commencing at the city of Schenectady, or at the most feasible point to reach and develop the State lands, or at such a point in its vicinity as shall be most eligible and convenient and continue such survey in the most direct and feasible route to a point on the St. Lawrence river, at or near the village of Ogdensburgh, in St. Lawrence county.

Sec. 2. Such engineer shall have power to employ such other engineers or assistants as may be necessary in prosecuting the work, and as shall be consistent with a due regard to economy and the speedy completion of the work.

Sec. 3. When such survey shall be completed, the engineer shall make and file a map and profile of such survey in the office of the Secretary of this State, showing the several elevations and depressions of the surface of the route throughout its whole extent, together with such topographical information and remarks as may contribute to just conclusions in relation to the construction and cost of a railroad upon such route.

Sec. 4. The engineers and assistants who shall be employed pursuant to the provisions of this act, shall be entitled to the like compensation for their services as has heretofore been allowed for similar services performed under the directions of the canal commissioners; such accounts shall, from time to time, be exhibited to and audited by the comptroller, and paid by the Treasurer upon the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, but the aggregate of such payments shall not exceed fifteen thousand dollars. If any railroad company shall hereafter locate and construct a railroad on said route, it shall repay into the State treasury the said sum of money so expended.

CHAPTER 949, LAWS OF 1867.

AN ACT to authorize the construction of a Rail road from the village of Forest Port to Bellinger town, and a branch road by way of Grant's Mills to the west line of Herkimer county.

Sec. 1. Harry Weed, D. W. Marvin, W. K. Stanburgh, M. T. Meeker, A. C. Grant, E. N. Grant, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby authorized to lay, construct, operate and use a railroad, with wood or iron rails, and to convey passengers and freight thereon for compensation, through, upon and along the following routes, to wit: Commencing at the State dam in the village of Forest Port, Oneida county, by the most eligible route, to Bellinger town on Black river; also a branch road leaving the said road at or near the village of Woodhull, and extending by way of Grant's Mills to the west line of Herkimer

county, with the necessary turnouts, switches and depots for the proper working of said road.

Sec. 2. The cars to be used on said roads may be drawn by horses, mules or dummy engines; provided, however, that no iron rails shall be laid of less weight than twenty-five pounds per lineal yard, and no dummy engines shall be run on wooden rails at a rate of speed over eight miles per hour.

Sec. 3. Said road shall not be constructed through or across any street or highway without the written consent of the commissioners of highways of the town through which it shall pass, who shall also require that said road shall be built in such a manner as will afford the least obstruction to the passage of vehicles or carriages over the same.

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CHAPTER 505, LAWS OF 1868.

AN ACT to incorporate the "Forest Port Railroad Company."

Sec. 1. It shall be lawful for Samuel Robertson and William McClusky, of the village of Forest Port; William B. Jackson, of Utica; Anson Blake and Daniel E. Moran, of New York, and their associates, when duly formed into a corporation, pursuant to the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, one thousand eight hundred and fifty, except as herein otherwise provided, to lay out, construct, operate and maintain, with all their necessary depots, buildings, apparatus and fixtures, such and so many railroads, with wooden or other rails, and to be operated by animal or other motive power, as the directors of said corporation may think proper, in the transportation of freight and passengers to and from Forest Port and the wilderness lying northerly and easterly therefrom, in the counties of Oneida, Lewis, Herkimer and Hamilton; the said road not to exceed twenty-five miles in length, nor to pass without a line due east from Forest Port, nor west of a line due north from the same point; and such corporation, when duly formed, may take and appropriate private property for the construction and

maintenance of said road, under and in pursuance, and in the manner as by said act provided.

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CHAPTER 532, LAWS OF 1868.

AN ACT to authorize the formation of a railroad company and the construction of a railroad for public use, from the Utica and Black River Railroad, by way of Forestport and Port Woodhull to Bellinger Town and branches.

Sec. 1. Harry Weed, Evan J. Evans, Griffith J. Griffiths, D. W. Marvin, Albert C. Grant and Edwin M. Grant, and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby authorized to lay out, construct and operate and use a railroad for public use, with wood or iron rails, and to carry passengers and freight, for compensation, through, upon and along the following routes, to wit: Commencing on the Utica and Black River railroad, at or near the Alder creek station, in Oneida county, and thence by way of or near the villages of Forestport and Port Woodhull, and by the most eligible route to Bellinger Town, on the Black river. And also a branch leaving said road at or near the village of Port Woodhull, and extending to the west line of Herkimer county, by way of the valley of the Little Woodhull creek and Albert C. Grant's mill. Said railroad and branches shall be known by the name of "The Black River and Woodhull Railroad."

Sec. 2. The cars to be used on said road and branches may be drawn and operated by horses or mules or by steam power; provided, however, that no iron rails shall be laid of less weight than twenty-eight pounds per lineal yard, and no steam power engines shall be run on wooden rails at a rate of speed over eight miles per hour.

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Sec. 8. All parts of the act passed May twenty-third, eighteen hundred and sixty-seven, by the name and style of "The Forestport, Grant's Mills and Black River Railroad," that conflicts with any section of this act are hereby repealed.

CHAPTER 718, LAWS OF 1868.

AN ACT to amend an act entitled "An act to encourage and facilitate the construction of a railroad along the valley of the Upper Hudson, into the wilderness in the northern part of this State, and the development of the resources thereof," passed April twenty-seventh, eighteen hundred and sixty-three, and for the relief of the Adirondack Company formed under said act.

Sec. 1. The time allowed the Adirondack Company to construct the thirty-five miles of its road, mentioned in section five of chapter two hundred and thirty-six of the laws of eighteen hundred and sixty-three, is extended to the thirty-first day of December, eighteen hundred and seventy, and if said company shall construct one-third of said thirty-five miles of road in each of the years, eighteen hundred and sixty-eight, eighteen hundred and sixty-nine and eighteen hundred and seventy, continuous by northward from the present northern extremity of the twenty-five miles of said road already constructed, it shall be relieved from all forfeitures imposed by said act, and shall be entitled to all the rights and privileges, exemptions and franchises granted by said act; but in case said company shall fail to construct and complete by the thirty-first day of December, eighteen hundred and sixty-eight, one-third of said thirty-five miles of its road, northward from its present terminus, this act shall be of no force and effect, anything herein contained to the contrary notwithstanding.

Sec. 2. The twenty United State government bonds deposited with the Comptroller of the State, pursuant to section five of said act, shall remain in his hands as security for the taxes upon the lands mentioned in said act for the years eighteen hundred and sixty-three to eighteen hundred and seventy, inclusive, in case said corporation shall not complete said thirty-five miles of its road, as provided by the first section of this act; but in case said thirty-five miles of road shall be constructed, the said bonds shall be transferred to said company, and until default shall be made in the performance of the conditions afore-

said, said company shall be authorized to collect and receive the interest on said bonds, and the Comptroller shall give to said company the requisite authority to receive the said interest.

Sec. 3. The said company may construct a branch of its road from some point on its line between the north line of the town of Thurman in the county of Warren and the southerly line of the county of Essex, to connect with the Whitehall and Plattsburgh railroad, at some point in the county of Essex, and so much of said branch railroad as shall be constructed by said company, continuously northward from the main line of said company's road, shall be deemed a part of the thirty-five miles of the road required to be built by the first and second sections of this act, and of the eighty-five miles of said road required to be built by chapter two hundred and thirty-six of the laws of eighteen hundred and sixty-three.

CHAPTER 850, LAWS OF 1868.

AN ACT declaring certain lands not exempt from taxation, and providing for the payment of the taxes due thereon from the years eighteen hundred and sixty-three to eighteen hundred and sixty-eight inclusive.

Sec. 1. The lands in the several counties of this State now or late belonging to the corporation authorized to be formed under chapter two hundred and thirty-six of the laws of eighteen hundred and sixty-three, and which is now known as the Adirondack Railroad Company, and which under said chapter two hundred and thirty-six of said Laws of eighteen hundred and sixty-three, under certain conditions, were declared to be exempt and free from all taxation until the year eighteen hundred and eighty-three, shall hereafter not be exempt from taxation, and the same are hereby declared to be subject to State, town, county, school and highway taxation, the same as other real property in this State, in case the provisions of section four are not complied with.

Sec. 2. The amount of twenty thousand dollars in the State of New York or United States stocks, which was deposited by said

corporation with the Comptroller of this State as security for the taxes on their lands authorized to be held under said act, from the years eighteen hundred and sixty-three to eighteen hundred and sixty-eight inclusive, shall be held and retain by said Comptroller, and devoted to the payment of the State, county, town, school and highway taxes, which, but for the exemption under the provisions of the said chapter two hundred and thirty-six of the Laws of eighteen hundred and sixty-three, would have been levied upon and collected out of said lands.

Sec. 3. The said Comptroller shall, within two months after this act shall take effect, ascertain the amount of State tax which would have been assessed upon any and all of said lands from the years eighteen hundred and sixty-three to eighteen hundred and sixty-eight respectively; and also what amount of tax for county, town, school and highway purposes which ought respectively to have been assessed upon any or all of said lands, and that he make a report to the Legislature, in order that such legislation may be had as may be necessary to secure the payment of such taxes out of such fund to the State, county and town officers who may be by law authorized to receive the same.

Sec. 4. This act shall take effect on the thirty-first day of December, eighteen hundred and sixty-eight, unless said company shall construct and complete twelve miles of its road, northward from its present terminus, in which case this act shall take effect on the thirty-first day of December, eighteen hundred and sixty-nine, unless said company shall construct and complete twelve miles more of its road, northward from its then present terminus, in which case this act shall take effect on the thirty-first day of December, eighteen hundred and seventy, unless the said company shall construct and complete eleven miles more of its road, northward from the then terminus, being the twenty-four miles above specified. And if the said company shall so construct said thirty-five miles as prescribed by this section, then said company shall be entitled to all the rights, privileges, exemptions and franchises granted by chapter two hundred and thirty-six of the Laws of eighteen hundred and sixty-three.

CHAPTER 864, LAWS OF 1872.

AN ACT to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of the State.

Sec. 1. The Adirondack Company is hereby authorized to construct and operate a branch of its railroad, commencing at some point at its line between the south line of the town of Thurman, in the county of Warren, and the north line of the town of Newcomb, in the county of Essex, and running to the north bounds of this State, in either of the towns of Mooers or Champlain, in the county of Clinton.

CHAPTER 597, LAWS OF 1873.

AN ACT in relation to the Saranac River Plank-road Company, and authorizing said company to lay rails upon its road.

* * * * *

Sec. 2. The Saranac River Plank-road Company are hereby authorized and empowered, upon the consent of a majority in amount of the stockholders of said company, to lay upon the road now occupied by said company, or upon any part or portion thereof, iron or wooden rails either broad or narrow guage, and to run and operate the same as a railroad for carrying passengers and freight. And should said company lay said rails upon the grade of its road they may maintain said plank-road and collect and receive tolls thereon in the same manner and subject to all provisions of law in all respects as though this act had not been passed.

Sec. 3. If said company for the purpose of avoiding steep grades, or for any other proper reason, should determine to construct part or parts of said railroad off the line of said plank-road, said company may so construct any such part or parts and for that purpose may condemn any lands upon such route necessary for any such change, and all the provisions of the general railroad law of this State applicable to such proceedings shall apply to said company. But said company shall not be required on any such application to condemn any such lands to make proof of the subscription to the capital stock of the said

company, or the filing of any map or the location of said road, except upon the lands which are proposed to be taken.

* * * * *

CHAPTER 695, LAWS OF 1873.

AN ACT authorizing the Adirondack Company to build a branch railroad to the village of Caldwell.

Sec. 1. The Adirondack Company is hereby authorized and empowered to build a branch railroad from their railroad in the town of Hadley to the village of Caldwell, at the head of Lake George, and to charge not to exceed one dollar for each passenger carried over such extension.

Sec. 2. All the laws applicable to the said Adirondack Company's railroad are hereby made applicable to said extension.

CHAPTER 512, LAWS OF 1874.

AN ACT in relation to the Ausable River Plank-road Company, and authorizing said company to lay rails upon its road.

Sec. 1. The Ausable River Plank-road Company is hereby authorized and empowered, upon the consent of a majority in amount of the stockholders of said company, to lay upon the road now occupied by it, and upon any extension or branch thereof, or upon any part or portion of the same, iron or wooden rails, either broad or narrow gauge, and to run and operate the same as a railroad for carrying passengers and freight. And said company may also maintain its road as a plank-road, and collect and receive lawful tolls thereon.

Sec. 2. If said company, for the purpose of avoiding steep grades, or for the purpose of making a connection with the New York and Canada Railroad at Ausable Station, or for any other proper reason, should determine to construct part or parts of said railroad off of the line of said plank-road, said company may so construct any such part or parts, and for that purpose may condemn any lands upon such route necessary for any such

change, and all the provisions of the general railroad law of this State applicable to such proceeding shall apply to said company; but such company shall not be required, on any such application to condemn any such lands, to make proof of the subscription to the capital stock of the said company, or the filing of any map, or the location of said road, except upon the lands which are proposed to be taken.

* * * * *

CHAPTER 148, LAWS OF 1878.

AN ACT authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison.

Sec. 1. The superintendent of state prisons is hereby authorized and empowered to survey, locate and construct a railroad from a point at or near the Clinton state prison at Dannemora, in the county of Clinton, to a point in the town of Plattsburgh at or near the waters of Lake Champlain, of the gauge of not more than three feet and six inches, nor less than thirty inches, within the rails, for public use in the transportation of persons and property, to such extent as deemed advisable, to employ such labor in the grading, bridging and constructing of said road, and in the manufacture of spikes, chairs and such other material necessary in the construction of said road, and in such way as the same may be employed with due economy to the interest of the State. The said superintendent of prisons is also authorized and empowered to use timber or other materials from the lands belonging to the state in the construction of said road, and of the bridges and superstructure thereof, and in the repair thereof.

Sec. 2. In case the said superintendent of state prisons shall be unable to agree for any real estate required for the purpose of said road, such title may be acquired on a petition by said superintendent in the manner provided by an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, for acquiring title to land

for railroad purposes, except that, in any petition therefor, no averment of subscription to stock, or the filing of any map shall be required.

Sec. 3. The said superintendent of state prisons is hereby authorized and empowered to receive contributions of property, money or labor, or land, for the right of way or depot ground, and any property, money or labor so contributed shall be applied and expended in the construction of said road.

Sec. 4. Said superintendent is also authorized and empowered, upon the completion or partial completion of said road, to lease said road for such term of years and upon such terms and conditions as shall be approved of, in writing, by the governor and comptroller of this state.

Sec. 5. The sum of eighty thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated and authorized to be paid to the said superintendent of state prisons by the state treasurer, upon the warrant of the comptroller, to be expended in the survey, location and right of way of said road, and in its construction, provided and on condition that the cost of said road shall not exceed said sum in addition to the convict labor laid out thereon.

CHAPTER 76, LAWS OF 1879.

AN ACT to provide for operating the railroad from Lake Champlain to Dannemora prison, and to pay for rolling stock therefor.

Sec. 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be expended by the superintendent of state prisons in paying the employees of, and in operating by him the railroads constructed by the State to the state prison at Dannemora, under chapter one hundred and forty-eight of the laws of eighteen hundred and seventy-eight.

Sec. 2. The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to purchase and pay for rolling stock for the use and operation of the railroad mentioned in the first section of this act.

Sec. 3. The several sums herein above appropriated are hereby authorized to be paid to the said superintendent of state prisons for the purposes aforesaid, by the state treasurer upon the warrant of the comptroller.

CHAPTER 272, LAWS OF 1879.

AN ACT making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.

Sec. 1. * * * * *

For the Plattsburgh and Dannemora railroad, for fifteen road signs, two hundred and ten dollars; for ballasting, twelve thousand eight hundred and thirty-five dollars and fifty cents; for fencing, sixteen thousand six hundred and twenty-three dollars; for two water-tanks and buildings, seven hundred dollars; for station-houses, seven hundred dollars; for right of way, two thousand five hundred dollars; for engineering, three thousand five hundred and thirteen dollars; for turn-tables, track tools, and other implements necessary to operate the road, five thousand three hundred and twelve dollars; for round-house, foundations for turn-tables, water-pipe, rails for sidings, extra track-laying at round-house, and timber for repairs, eleven thousand four hundred and seventy-one dollars and eighty-four cents; for lumber, plumbing, and painting, one thousand dollars, and for operating the road for one year eighteen thousand dollars. On the first day of each month all the earnings of the road for the previous month must be paid into the treasury of the State.

* * * * *

CHAPTER 391, LAWS OF 1880.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act entitled 'An act incorporating the New York Northern Railroad Company,' passed April twenty-eighth, eighteen hundred and sixty-six."

Sec. 1. The time appointed by section two of the act entitled "An act incorporating the New York Northern Railroad Com-

pany," passed April twenty-eighth, eighteen hundred and sixty-six, to commence the construction of a railroad between the city of Schenectady and the city of Ogdensburg, in the county of St. Lawrence, is hereby extended until the twenty-eighth day of April, eighteen hundred and eighty-six, and the time appointed by said section to finish said railroad is likewise extended until the twenty-eighth day of April, eighteen hundred and ninety-one.

CHAPTER 234, LAWS OF 1886.

AN ACT to fix the rate of fare for passengers to be charged or taken over the tracks of the Northern Adirondack Railroad Company and its extension.

Sec. 1. The Northern Adirondack Railroad Company is hereby authorized and empowered to charge or take a sum not exceeding five cents per mile or fraction thereof, as a rate of fare for every passenger and his ordinary baggage carried over its road track from and between Moira and Buck Mountain, in the State of New York.

CHAPTER 671, LAWS OF 1887.

AN ACT to amend chapter three hundred and ninety-one of the laws of eighteen hundred and eighty, entitled "An act to amend the act entitled 'An act incorporating the New York Northern Railroad Company,'" passed April twenty-eighth, eighteen hundred and sixty-six.

Sec. 1. The time appointed by section two of the act, entitled "An act incorporating the New York Northern Railroad Company," passed April twenty-eight, eighteen hundred and sixty-six, to commence the construction of a railroad between the city of Schenectady and the city of Ogdensburg, in the county of St. Lawrence, is hereby extended until the twenty-eighth day of April eighteen hundred and eighty-nine, and the time appointed by said section to finish said railroad is likewise extended until the twenty-eighth day of April, eighteen hundred and ninety-five.

PART V.

AUTHORIZING MILITARY OR STATE ROADS, AND HIGHWAYS IN THE
ADIRONDACK REGION.

Authorizing Military or State Roads, and Highways in the Adirondack Region.

CHAPTER 113, LAWS OF 1804.

AN ACT authorizing a Loan of Money for opening and improving certain great Roads in this State.

I. Be it enacted, That the managers of the lotteries appointed in and by the act, entitled "An act for the promotion of literature," shall pay into the treasury of this state, out of the neat avails of the second lottery, to be drawn in pursuance of the said act, the sum of twelve thousand five hundred dollars, which is directed by the said act to be paid to the regents of the university of the state of New York.

* * * * *

III. And be it further enacted, That the treasurer, on the warrant of the comptroller, shall pay unto the commissioners appointed by the act last mentioned, to lay out and improve a road through the northern towns in the county of Washington, into and through the counties of Essex and Clinton, until it intersects the line of forty-five degrees of north latitude, in the town of Champlain, the sum of fifteen hundred dollars, being the remainder of the said sum of twelve thousand five hundred dollars.

* * * * *

CHAPTER 6, LAWS OF 1808.

AN ACT to amend the act, entitled "an act to improve the road from the town of Chester to the town of Canton."

Be it enacted, That the surveyor-general be and he is hereby authorized and required, as soon as may be after the surveys thereof can be completed, to sell and convey the lots directed by the said act to be sold in the manner and upon the terms

and to apply the proceeds of the said sales as therein is directed, any specification of time in the said act to the contrary notwithstanding.

CHAPTER 102, LAWS OF 1808.

AN ACT to improve the road from the town of Chester to the town of Canton.

Be it enacted, That all quit rents due on lands in township number twenty, in Totten and Crossfield's purchase, be and the same is hereby appropriated to the improvement of a road lately cut from the line of the town of Chester, near Hill's mill, in the county of Essex, to the town of Canton, in the county of St. Lawrence, under the superintendence of commissioners to be appointed by his excellency the governor of this state, for the time being, for that purpose.

* * * * *

And be it etc., That the said surveyor-general cause the said last mentioned lands to be previously surveyed into lots of half a mile square, as near as the situation of the country will admit, and the surveyor who shall survey the same shall appraise the value of each lot and make a return thereof to the surveyor-general; and that the same be sold in lots, at auction, to the highest bidder, on the following terms, to wit: * * *

* * * * *

CHAPTER 239, LAWS OF 1811.

AN ACT supplementary to the act for improving the road from Chester to Canton.

Whereas the road leading from Chester, in the county of Washington, to the town of Canton, in the county of St. Lawrence, running through large tracts of unsettled lands, cannot be improved and kept in repair by the ordinary means provided by law, and it is just that those who derive benefit from the said road in the improvement of their lands should bear a reasonable part of the expenses of opening and improving the same.

I. *Be it therefore enacted*, That there shall be assessed, paid and collected, for the improvement of the said road, beginning at a place in Chester where the road hereby intended to be improved leaves the old road, leading to the Scaroon lake, near Meads' farm, and from thence along said road to the southeasterly line of the town of Canton, the following sums, viz. for every acre of land lying within one mile of the said road, (the owner or occupier whereof is not assessed for the repairs or improvement of the said road under the existing laws) a sum not exceeding five cents nor less than one mill, and for every acre of land lying more than one and not more than two miles from the road so to be improved, not exceeding two cents nor less than one mill, as a tax for the improvement of the said road for the present year, and that one half of the said sums shall be paid by the owners or proprietors of the same lands for the year one thousand eight hundred and twelve, (such owners not being in any case assessed by the existing laws for the repairs or improvement of the said road by assessors of the several towns in which said lands may be) and one fourth of the amount of the said first mentioned tax in each of the then next succeeding two years.

II. And be it etc., That John Richards shall be and he is hereby appointed an assessor for such of the lands so to be assessed in Totten and Crossfield's purchase, so called, and in Macomb's purchase, * * *

* * * * * * *

CHAPTER 100, LAWS OF 1808.

AN ACT to open and improve certain roads therein mentioned.

Be it enacted, That the surveyor-general be and is hereby directed to sell and dispose of, in the manner the commissioners of the land-office may deem most conducive to the interest of the state and the promoting the objects of this act, such number of the one hundred and sixty acre lots, which are unappropriated in townships number one, number eleven, and number twelve, in the old military tract, as shall produce the sum of two thousand dollars, which sum of money is to be laid out and expended

to open and improve a road, to continue the road laid out from the river St. Lawrence to the west line of the said township number eleven, through the said township number eleven, and the said township number twelve and one, to the house of Thomas Brown, in the town of Elizabeth.

* * * * *

CHAPTER 183, LAWS OF 1809.

AN ACT to lay out and open the highway therein mentioned.

1. *Be it enacted*, That Daniel Washburn, Alexander St. John and Kitchel Bishop, be and they are hereby appointed commissioners to lay out and open a public highway from the Fish-house, so called, in the town of Northampton, in the county of Montgomery, through part of the town of Edinburgh and the town of Thurman, to intersect the public highway passing by the dwelling-house of John Thurman.

2. And be it further enacted, That the moneys hereby granted, shall in the first instance be applied to the making of a good road passing through the lands of this state in Palmer's Purchase, and the remainder thereof, if any there be, to the other parts of said road.

3. And be it further enacted, That Nehemiah Cande be, and he is hereby appointed to employ workmen and to superintend the opening and working the said highway and building the necessary bridges, and that the said Nehemiah Cande shall before he enters upon the business of superintendent as aforesaid, enter into a bond to the people of this state, in the sum of four thousand dollars, with such sureties as the comptroller shall approve of, conditioned for the faithful performance of the duties enjoined on him by this act, and for rendering to the comptroller a true and just account of his expenditure in the same, when called upon by the comptroller for that purpose.

4. And be it further enacted, That each of the said commissioners and superintendent shall be entitled to receive two dollars per day for the time they shall necessarily be employed in the duties enjoined on them by this act.

5. And be it further enacted, That the surveyor-general as soon as may be, after the passing of this act, shall cause all the land belonging to the people of this state, in Palmer's purchase, so called, to be surveyed into lots not exceeding three hundred acres each, and make a map thereof, and sell so many of such lots in such manner as the commissioners of the land-office shall direct and judge most for the interest of the state as will raise the sum of two thousand dollars; which sum is hereby appropriated for defraying the expense that may occur in completing the object contemplated by this act; and the treasurer, on the warrant of the comptroller, shall from time to time pay unto the said superintendent such sum of money as he may think necessary in the prosecution of the said object.

CHAPTER 83, LAWS OF 1810.

AN ACT authorizing the laying out, making and improving the roads therein mentioned.

Be it enacted, That James M'Lallen and Stephen Owens, are hereby appointed commissioners who, or any one of them, with a surveyor to be appointed by the surveyor-general of this state, are authorized to survey and lay out a road, in the most convenient and direct route, from or near the grist-mill, now or late the property of Bildad Mills, in the town of Johnstown, to the outlet of a lake called the Ox-bow lake, and which is represented on the state map to be situated west of township number one, in Totten and Crossfield's purchase.

And be it etc., That it shall be the duty of the surveyor, so to be appointed, to make a map of said road, and on such map to designate what parts of the said road are upon lands belonging to this state, and to file the said map in the office of the surveyor-general, and to make a copy of the said map and file the same in the office of the clerk of the county of Montgomery.

And be it etc., That as soon as conveniently may be after such map shall be filed in the office of the surveyor-general, he shall cause such of the lands belonging to this state which have

not been surveyed into lots and which are situate between the western line of the said township number one and the east line of Arthurborough and north of Lawrence patent, and the western and northern lines of Benson, to be surveyed into lots, not exceeding one hundred and fifty acres in each lot, and it shall be the duty of the surveyor-general to cause a map to be made and filed in his office of all lands to be surveyed into lots in pursuance of this act.

And be it etc., That as soon as the said lands shall be surveyed into lots as aforesaid, and a map thereof made and filed as aforesaid, it shall be the duty of the surveyor-general to sell one third part of the said lots, which shall adjoin the said road so to be laid out as aforesaid, * * * .

And be it etc., That the whole proceeds of the sales of lots to be sold in pursuance of this act, shall be and hereby are appropriated to the following purposes, to wit: first to defray the expenses of surveying and laying out said road, of surveying the said land, and selling the said lots, of opening and making said road, and the surplus if any, for the purpose of laying out and making a road from the northern termination of the aforesaid road, towards the head waters of grass-river.
* * * * *

CHAPTER 234, LAWS OF 1811.

AN ACT to lay out, open and improve the road therein mentioned.

1. *Be it enacted*, That William Pond, Israel Johnson, and Eli Hall, be and they are hereby appointed commissioners for laying out a road from the south line of the township of land granted to Nathaniel Mallory and his associates, in the town of Keene, in the nearest practicable route to the house of Levi Farr, in the town of Scharoon, in the county of Essex, whose duty it shall be as soon as may be to lay out and make said road.

II. And be it etc., That the surveyor-general is authorised and required to sell and dispose of so much of the unappropri-

ated land near or adjoining where said road is to be laid out as shall raise the sum of three thousand dollars, and the same is hereby appropriated for opening and improving said road.

* * * * *

CHAPTER 51, LAWS OF 1813.

AN ACT to amend the act entitled "an act for the opening a Road between the city of Albany,* and the river of St. Lawrence."

Whereas the legislature at their last session, by the act entitled "an act for the opening a road between the city of Albany and the river St. Lawrence," did authorise and direct the commissioners of the land-office to sell or dispose of certain lands in Totten and Crossfield's purchase, for the purpose of opening and making a great and more direct road leading from the city of Albany to some place near the foot of sloop navigation on the river St. Lawrence, at such price as they might consider the same to be worth, and payable at such times as might be deemed by them proper for accomplishing the object thereby intended: And whereas it appears from a report of the commissioners appointed under the act hereby amended, that a good and sufficient road may be made much nearer than any heretofore laid out and made, and that they require more efficient means to carry the objects contemplated by the above recited act into effect: And whereas the state owns a large tract of land through which the said road will pass, the value of which will be greatly enhanced by said road: Therefore,

Be it enacted, That the treasurer, on the warrant of the comptroller, be and he is hereby authorised and required to pay fifty cents for every acre appropriated by the act aforesaid on the part of this state to the making of the said road, which sum shall be paid in the manner directed in and by the said act, in lieu of the lands belonging to the people of this state, which the commissioners of the land office are directed by the said act to sell for that purpose, and that the said commission-

* The old military road running through the forest, known as the Albany Road. (See Albany Lake, Vol. I.)

ers shall at any time after the said road shall be completed, sell so much of the said lands belonging to the people of this state adjoining the said road as shall amount to the whole sum paid out of the treasury in pursuance of this act, together with an interest of six per cent thereon.

CHAPTER 33, LAWS OF 1814.

AN ACT relative to the opening of the Road between the City of Albany and the river St. Lawrence.

Whereas by an act passed on the nineteenth of June, one thousand eight hundred and twelve, twenty thousand acres of land were appropriated by the legislature of this state for opening and making a road from the southern boundary of Totten and Crossfield purchase to the St. Lawrence county turnpike, and by an act passed the ninth day of April, one thousand eight hundred and thirteen, the treasurer was authorized to pay fifty cents for every acre appropriated by the act aforesaid towards making the said road, which sum is altogether inadequate to effect the object intended: Therefore,

Be it enacted, That the treasurer, on the warrant of the comptroller, be and he is hereby authorised and required to pay the additional sum of fifty cents for every acre appropriated by the act, entitled "an act for opening and making a road between the city of Albany and the river St. Lawrence," passed the nineteenth of June, one thousand eight hundred and twelve, which sum shall be paid in the manner directed in and by the said act; and the commissioners of the land-office, shall at any time after the said road shall be completed, sell so much of the said lands belonging to the people of this state, adjoining the said road, as shall amount to the whole sum paid out of the treasury in pursuance of this act, together with an interest of six per cent. per annum thereon.

(Note.—The first act referred to in the recital, is Sess. 35, ch. 216.—By that act the commissioners of the Land-Office were authorised to sell 20,000 acres in Totten and Crossfield's purchase, for the purpose of opening the road in question, and

an assessment of not exceeding 10 cents nor less than 5 cents, was laid on every acre of land lying within a mile of the road, and not exceeding four nor less than two cents on every acre lying within two miles and more than one mile from said road. Commissioners were directed to be appointed by the Governor, to explore the route, &c. By the last act referred to in the recital, (passed in 1813, Sess. 36, ch. 151,) it appears that the commissioners so appointed, reported, that "a good and sufficient road might be made much nearer than any heretofore laid out," but that more efficient means were required. Thereupon the legislature by that act directed fifty cents for every acre appropriated by the first act of 1812, (or 10,000 dollars) to be paid out of the treasury, instead of selling the 20,000 acres before appropriated. This sum of 10,000 dollars being found inadequate, was increased at this session to 20,000 dollars. Perhaps a more laudable object could not have attracted legislative attention. The road in question is rapidly progressing, and promises the most beneficial results to the wealth and prosperity of this state.)

CHAPTER 257, LAWS OF 1815.

AN ACT supplementary to an act, entitled "An act for opening and making a road between the city of Albany and the river St. Lawrence," passed 19th June, 1812.

Whereas the appropriations already made for completing the great objects contemplated by said act, are inadequate, inasmuch as about seventy miles only are opened out of eighty-five miles of the road through the wilderness of the counties of Montgomery and St. Lawrence, and the sums already expended will be entirely lost unless sufficient additional means are granted to open the remaining part of said road; and whereas it is very important to have the road continued and opened from the St. Lawrence turnpike road to the foot of sloop navigation, on the river St. Lawrence, and which will pass through lands belonging to individuals; and whereas the proprietors are

generally willing and desirous to have their lands taxed for the purpose of opening and making said road; Therefore,

I. Be it enacted, That the commissioners appointed under the act to which this is supplementary, are hereby authorised and directed to explore and mark out a route for a road from where the said Albany and St. Lawrence road already laid out, intersects the St. Lawrence turnpike road, to or near the foot of sloop navigation, on the river St. Lawrence, the most direct the nature of the country will admit of, and they shall think most advisable for the public good, and they have power and authority to enter and take possession of as much of the unimproved lands as may be necessary to open and make the said road, not exceeding six rods wide; and they are also authorised and directed to assess all lands through which said road shall pass, lying within one mile of the same, a sum not exceeding fifteen cents per acre, nor less than five cents, and on each acre of land lying within two miles of said road and more than one mile, a sum not exceeding six cents, nor less than two cents, the assessment to be apportioned to the value of the lands, and assessed and collected in the same time and manner the former tax was directed to be done by the third section of the aforesaid act, passed June 19th, 1812, for opening the aforesaid road.

II. And be it further enacted, That the said commissioners are hereby authorised to compromise with the several owners of land subject to taxation by this act, in such manner, that if any owner shall make a road through his land, on the route which the said commissioners shall mark out, and which in their opinion shall be equally good with the other parts of the said road, that then no tax shall be collected from such owner.

III. And be it further enacted, That the treasurer, on the warrant of the comptroller, shall pay over to the aforesaid commissioners appointed under the said act, entitled "An act for opening and making a road between the city of Albany and the river St. Lawrence," the sum of three thousand dollars, to be expended by them in opening and making that part of said road, in the north part of Totten and Crossfield, so called, and on and near the lands belonging to the people of the state of New-York.

CHAPTER 152, LAWS OF 1816.

AN ACT for opening and improving a road from Boonville, to the road leading from the city of Albany to the St. Lawrence.

Whereas Thomas S. Ogden, John Brown Francis and others, owners of lands through which the road herein after mentioned is to pass, and which will be affected thereby, have by their petition represented to the legislature, that a road being opened from the northerly part of Boonville, running southeasterly until it intersects the road from the city of Albany to the river St. Lawrence, would be useful to the public, and beneficial to the owners of the land through which the same should pass, and have prayed that an act may be passed, for that purpose, and with the provisions herein after contained; Therefore,

I. Be it enacted, That John Brown Francis, Stephen Smith 2d, and John G. Post, be and they are hereby appointed commissioners for exploring and marking out a route for a road, from the northerly part of the town of Boonville, to intersect the road leading from the city of Albany to the St. Lawrence, in and near township number forty-one, of Totten and Crossfield's Purchase, in such place as they shall judge to be most eligible and advantageous for a road.

* * * * *

CHAPTER 197, LAWS OF 1814.

AN ACT for opening and improving a road from the town of Turin, to the township number fifteen in Macomb's purchase, commonly called Emilyville.

Whereas Archibald M'Vicar, James F. Watson, and others, being the owners of a great proportion of the land through which the road herein after mentioned is to pass, and which will be affected thereby, have by their petition represented to the legislature, that the value of all the lands contiguous to and in the neighborhood of the said road will be greatly enhanced by

the opening of the same, and have requested that an act may be passed for the purposes and with the provisions herein after contained: Therefore,

1. *Be it enacted*, That James F. Watson of the city of New-York, Robert M'Dowall, and Levi Collins, of the county of Lewis, be, and they are hereby appointed commissioners for exploring, and marking out a route for a road, from the state road in the northerly part of the town of Turin, to intersect the road from the city of Albany to the river St. Lawrence, in or near the township number fifteen in Macomb's purchase, commonly called Emilyville.

II. And be it further enacted, That there shall be assessed, paid and collected, for the purpose of opening and making said road, viz: On every acre of land lying within one mile of said road, a sum not exceeding five cents, nor less than one cent; and, on every acre of land lying within two miles of said road, and more than one mile, a sum not exceeding three cents, nor less than five mills, (except the land belonging to the people of this state) the assessment to be proportioned to the value of the land; westerly, between where the said road shall cross the Black river, and easterly, where the said road shall intersect the road from the city of Albany to the river St. Lawrence.

* * * * *

And be it etc., That where the said road shall pass through lang belonging to the People of this state, it shall be the duty of the commissioners to keep a distinct account of the expenses incurred in opening and improving such part of said road, and that upon presenting such account duly authenticated to the comptroller, it shall be the duty of the comptroller to draw his warrant on the treasurer in favor of the said commissioners, for the amount of the same, and the treasurer shall pay the same out of any monies in the treasury not otherwise appropriated: Provided, It does not exceed five hundred dollars.

* * * * *

CHAPTER 150, LAWS OF 1816.

AN ACT to amend "an act for opening and improving a road from the town of Turin, to township number fifteen, in M'Comb's purchase, commonly called Emily-Ville," passed April 15, 1816.

I. *Be it enacted*, That all monies which may be paid into the treasury, yearly and every year, for the space of three years after the passage of the above recited act, which may be assessed for taxes on unsettled lands in that part of the town of Leyden, in Lewis county, lying east of the Black river, and which may be assessed and levied for the support of roads, in the town of Leyden, shall be and are hereby appropriated for opening and improving the above recited road; and the treasurer of the said county shall pay to the commissioners appointed by the aforesaid act, the said monies as soon as the same shall come into his hands.

II. And be it further enacted, That the eighth section of the above recited act be and the same is hereby repealed.

CHAPTER 83, LAWS OF 1817.

AN ACT relative to state roads.

Whereas great inconvenience has arisen from the want of authority in the commissioners of highways, of the several towns in this state, to alter and amend such highways as are laid out by special acts of the legislature, commonly called state roads; and in order to prevent application being made to the legislature for every alteration in said roads, as are supposed to be necessary, Therefore,

Be it enacted, That it shall be lawful for the commissioners of highways of any town in this state, through which a state road passes, on being applied to by twelve freeholders of such town, and with the consent of the commissioners of highways of the adjoining towns through which said road passes, to regulate and alter such road, in the said town, if in their opinion

the public good and convenience shall require the same: Provided however, That no such alteration shall alter the general route of the road: And also, That the provisions of the act, entitled "an act to regulate highways," relative to the alteration and amendment of public roads, shall be held to extend to such alteration, as aforesaid, of any state road.

CHAPTER 153, LAWS OF 1821.

AN ACT for the relief of the inhabitants of Lake Pleasant.

1. *Be it enacted*, That for the purpose of improving the part of the state road from Albany to St. Lawrence, between the outlet of Lake Pleasant to the north bounds of Palmer's purchase, it shall be lawful for the commissioners of the land-office, and they are hereby directed, on the application of the accredited supervisor of the town of Lake Pleasant, to issue certificates for so many lots of land, belonging to the people of this state, not otherwise appropriated, situated in township number nine, in Moose River tract, in the said town of Lake Pleasant, in the county of Hamilton, as shall amount to one thousand dollars, on the valuation as returned to, and on file in the surveyor-general's office, at the location of said supervisor.

II. And be it further enacted, That it shall be lawful for the said supervisor, or his successor or successors in office, by and with the consent and advice of the commissioners of highways of said town, for the time being, to contract for the sale of the whole or any part or parts of the lots so to be located as aforesaid, either for money or for labour, or both, to be by them applied exclusively to the improvement of the said road.

III. And be it further enacted, That whenever such certificate or certificates are presented to the surveyor-general, accompanied with the written contract or contracts, either for money or work, with the proper receipts or acknowledgments or both, of such supervisor and commissioners of highways, for the accomplishment of such contract or contracts, that then and in such case, it shall be the duty of the surveyor-general to issue

letters patent accordingly, to such purchaser or purchasers, his or their heirs or assigns: Provided however, That such lands shall be so disposed of and applied within six years from the passage of this act.

* * * * *

CHAPTER 188, LAWS OF 1825.

AN ACT to lay out and improve a road from Chase's Patent to Lake Pleasant, in the county of Montgomery.

Whereas the board of supervisors of the county of Montgomery have by their petition set forth, that there are certain large tracts of uncultivated lands between Johnstown and Lake Pleasant, which belong to the people of this state, and which, from their quality and location, cannot be settled without some public assistance in opening a road through the same: And whereas the surveyor-general has by his report recommended the prayer of the petitioners as proper, to advance the interests of the state, by increasing the value of the state lands in that part of the state in proportion to the expenditure contemplated by this act: Therefore,

1. *Be it enacted*, That Samuel A. Gilbert, Parish G. Clark and Thaddeus St. John, be and they are hereby appointed commissioners to lay out and improve a road from Chase's patent to the settlement at or near Lake Pleasant, on the most eligible route, and to begin at such place in Chase's patent as they or a majority of them shall think proper, and to employ such surveyor or surveyors, and other persons, as they shall think necessary to lay out said road; and the said commissioners shall cause so much of the survey and field notes of said road to be filed in each of the clerk's offices of the towns of Lake Pleasant and Johnstown, and in the clerk's office of the said county of Montgomery, where the same can be examined by any person free from any cost or charges, and it shall be the duty of the town clerks aforesaid, and the county clerk of said county, to record the same in their respective offices without expense to the party filing the same; and the said commissioners shall cause

to be made two correct maps of said road, on which shall be designated all of the lots of land through which the said road shall be laid, and deliver one copy thereof into the county clerk's office of the said county of Montgomery, and the other copy thereof to the surveyor-general of this state, whose duty it shall be to set apart and assign for the making and improvement of the said road, every second lot of the land belonging to this state, through which the said road shall be laid, in such manner as to make, as near as may be, three hundred and twenty acres of land to each and every mile of road so laid out; and the surveyor-general shall transmit to the said commissioners a list of the number of said lots, and the number of acres in each, and the township in which they are situated, and a like list to the office of the county clerk of the said county, whose duty it shall be to keep the same in his office for examination, free from any expense, to such as wish to examine the same.

* * * * * *

CHAPTER 302, LAWS OF 1828.

AN ACT appointing Commissioners to lay out and open a Road from Cedar Point, westward, through the Towns of Moriah and Newcomb, in the County of Essex.

Sec. 1. John Richards, of Caldwell, in the county of Warren, Iddo Osgood, of Keene, and Nathan Shearman, of Moriah, in the county of Essex, are appointed commissioners to explore, lay out, open and work a road, on the most eligible route, westward, from Cedar Point, on the west shore of Lake Champlain, through the towns of Moriah and Newcomb, in the county of Essex, passing as near as the natural make of the country will admit through townships number fifty-nine, forty-four, forty-six, twenty-seven and twenty-eight, in Totten and Crossfield's purchase, to the west bounds of the said county.

* * * * * *

Sec. 6. They shall make, or cause to be made, maps of so much of the country as shall be embraced in such taxation,

delineating, as nearly as may be, the lots and tracts, and the road as located by them; * * * .

Sec. 12. The said commissioners shall also cause a route to be surveyed, and located in continuation of said road, from the town of Newcomb, westward, to the Black river, opposite the village of Lowville, in Lewis county, having regard to the benefit of the public lands, and report their estimates, with remarks on the value and character of adjacent lands, to the next legislature.

CHAPTER 94, LAWS OF 1832.

AN ACT to provide for opening a Road through certain Lands belonging to the School Fund, in the Counties of Clinton and Franklin.

Sec. 1. That there be appropriated towards the completion of a road leading from the village of Redford, in the town of Saranac in the county of Clinton, westerly up the Saranac river, and intersecting the Port Kent and Hopkinton road near Loon lake in township No. 10, in the county of Franklin, the sum of three thousand dollars to be paid out of the first moneys which shall be received from the sale of lots number eleven, twenty-two, thirty-one, thirty-five, fifty-nine, seventy-two, eighty-eight and ninety, in township number four, old military tract, and which lots escheated to the state by the death of John G. Leake.

* * * * *

CHAPTER 96, LAWS OF 1841.

AN ACT to construct a road from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex.

Sec. 1. David Judd of Essex county, Nelson J. Beach of Lewis county, and Nathan Ingerson of Jefferson county, are hereby appointed commissioners to lay out and construct a road from the village of Carthage, in the county of Jefferson, eastward, passing through the settlement on township number four of Brown's tract, and intersecting the west line of Essex county at

or near the point where the same is intersected by the Old Cedar Point road, and thence upon the most direct and feasible route to Lake Champlain, in the town of Crown-Point or in the town of Moriah.

* * * * *

CHAPTER 139, LAWS OF 1841.

AN ACT to authorize the laying out of a road from Newkirk's mills to Piseco village.

Sec. 1. Ezra Thompson and George R. Parburt of Hamilton county, Alteron Odell of Fulton county, are hereby appointed commissioners to lay out and make a road four rods wide from G. A. Newkirk's mills, in the town of Bleecker in Fulton county, thence by the most direct and eligible route to the village of Piseco in Hamilton county, and for this purpose are authorized to employ a surveyor and assistants.

* * * * *

CHAPTER 144, LAWS OF 1841.

AN ACT to authorize the laying out of a road from Johnsburgh to the State road in Hamilton county.

Sec. 1. John Richards Jr. of Warren county, and Ezra Thompson and George R. Parburt of Hamilton county, are hereby appointed commissioners to lay out and make a road four rods wide, commencing on the state road, at or near the mills of Elias P. Gilman, in the town of Gilman, Hamilton county, and thence running in the most direct and eligible route to such point in the town of Johnsburgh, in the county of Warren, as deemed best by said commissioners; who for this purpose are hereby authorized to employ a surveyor and assistants.

* * * * *

CHAPTER 276, LAWS OF 1842.

AN ACT to repeal an act authorizing the laying out of a road from Johnsburgh to the State road in Hamilton county, passed the 27th April, 1841.

Sec. 1. The act entitled "An act to authorize the laying out of a road from Johnsburgh to the State road, in Hamilton

county," passed the twenty-seventh of April, eighteen hundred and forty-one, is hereby repealed.

CHAPTER 161, LAWS OF 1843.

AN ACT reviving and amending the act entitled "An act to authorize the laying out of a road from Newkirk's Mills to Piseco village," passed April 27, 1841.

Sec. 1. The act entitled an act to authorize the laying out of a road from Newkirk's Mills to Piseco village, passed April 27, 1841, is hereby revived with the following amendments:

Sec. 2. William D. Jones, of the county of Hamilton, and Cevallus D. P. Havens of the county of Fulton, are hereby appointed commissioners in the place of George R. Parburt, and Alteron Odell, and the said commissioners together with Ezra Thompson, are authorized to make that portion of said road which lies between Newkirk's Mills and Stratford Road, with power to alter the same before making any portion thereof, * *.

* * * * *

CHAPTER 65, LAWS OF 1845.

AN ACT to authorize the laying out of a road from Morehouse to Salisbury.

Sec. 1. Truman Ives and Wyllis Avery, of the county of Herkimer, with Sylvester Hanson, of the county of Hamilton, are hereby appointed commissioners to lay out a road four rods wide, from Lot Number Eleven, Maxwell's tract, in the town of Morehouse in the county of Hamilton, and running thence by the most direct route, so as to intersect the road leading from the town of Salisbury to Little Falls in the county of Herkimer.

* * * * *

CHAPTER 68, LAWS OF 1847.

AN ACT to complete the road from Carthage, in Jefferson county, to lake Champlain, in the county of Essex.

Sec. 1. For the purpose of completing the road authorized by the act of 14th April, 1841, entitled "An act to construct a road

from Carthage in Jefferson county, to Lake Champlain, in the county of Essex," the commissioners are hereby authorized to levy a tax upon the same district of country as they were under said act, in the counties of Herkimer, Hamilton and Essex, except township number six, seventeen and thirty-three of Totten and Crossfield's purchase, of eight per cent. upon the valuation of lands within five miles of said road, and of four per cent upon the valuation of the land within ten miles, and over five miles of said road; for the valuation of the land, that of eighteen hundred and forty-four by the counties of Herkimer and Hamilton, and of eighteen hundred and forty-six for the county of Essex, shall be taken.

* * * * *

CHAPTER 266, LAWS OF 1847.

AN ACT to construct a road from, at, or near M'Leanathan Falls, to the Port Kent and Hopkinton turnpike, also from Purmort's Rapids, in Essex county, to intersect said road.

Sec. 1. John Fitzgerald, John Rodgers and Elias Goodspeed, or any two of them, are hereby appointed commissioners to lay out a public highway, from, at or near McLeanathan Falls, in Franklin county, to the west line of Clinton county, thence through the south part of Black Brook, to the Port Kent and Hopkinton turnpike, also from, at or near Purmort's Rapids, in Essex county, to intersect the aforesaid road.

* * * * *

CHAPTER 433, LAWS OF 1847.

AN ACT to appoint commissioners to lay out a road from Palatine Bridge, in Montgomery county, through Palatine, Ephraim, Pleasant Valley, and Garoga, to lands belonging to the State, in the county of Fulton.

Sec. 1. Joseph White, Henry Edwards, and Edward Walter are hereby appointed commissioners, and they, or any two of them, are authorized to lay out a highway or state road, of

the width of four rods, from Palatine bridge in Montgomery county, through the towns of Palatine, Ephratah, and Pleasant Valley, and through Garoga, to lands belonging to the state of New York, in the county of Fulton.

* * * * *

CHAPTER 290, LAWS OF 1848.

AN ACT to amend the act entitled "An act to authorize the laying out of a road from Newkirk's mills, to Piseco village."

Sec. 1. The time for working and finishing said road, is hereby extended to the first day of May, eighteen hundred and forty-nine.

* * * * *

CHAPTER 202, LAWS OF 1850.

AN ACT to repeal an act appointing commissioners to lay out a road from Palatine Bridge, in Montgomery county, through Palatine, Ephratah, Pleasant Valley, and Garoga, to lands belonging to the state in Fulton county, passed December 10th, 1847.

Sec. 1. The act entitled "An act to appoint commissioners to lay out a road from Palatine Bridge, in Montgomery county, through the towns of Palatine, Ephratah, Pleasant Valley and Garoga, to lands belonging to this state, in Fulton county," passed December 10, 1847, is hereby repealed.

CHAPTER 354, LAWS OF 1849.

AN ACT to provide for laying out and constructing the Warren and Hamilton county road.

Sec. 1. John McEwan and James Morgan of the county of Warren, and Rose Whitman, of the county of Hamilton, are hereby appointed commissioners to lay out a public highway, from some point, (as the interest of the state shall require,) on

the road known as the Kenyontown road, running through to Athol and Johnsburgh, in the county of Warren, to some part on the Sacandaga river, at or near the Wadsworth mills, in Wells, in the county of Hamilton, thence down the said river to the settlement some four miles below said mills.

* * * * *

CHAPTER 271, LAWS OF 1851.

AN ACT to provide for the laying out and constructing the Colton and Long Lake road.

Sec. 1. James S. Ellis, of Colton, Nathan Parmeter Jr., of Potsdam, and Horace Andersen, of Pierrepont, of the county of St. Lawrence, are hereby appointed commissioners to lay out a public highway from the Three Falls, on Racket river, in the town of Colton, to the Carthage and Champlain road, in the town of Long Lake, Hamilton county.

Sec. 2. All the lands owned by non-residents in townships one, two, three, four, five, six, seven, eight, nine, ten, eleven, and twelve of Great Tract two of Macomb's purchase, and in township fifty of Totten and Crossfield's purchase, together with such lands owned by residents in said townships as the commissioners of highways of the towns in which such lands are situated shall direct, are hereby directed to constitute a road district which shall be known as the Colton and Long Lake road district.

* * * * *

Sec. 7. This act shall take effect immediately and continue in force six years, and all acts inconsistent with the provisions of this act are hereby rendered of none effect.

CHAPTER 348, LAWS OF 1852.

AN ACT to provide for laying out and opening a road from Clinton county to Carthage in Jefferson county.

Sec. 1. Eli B. Smith, of Franklin county, and Dewitt C. Boynton, of Clinton county, Ahaz Hayes, of Essex county, are hereby

appointed commissioners to lay out a public highway, from some point in Harriettstown, near Cold Brook, around the north end of the upper Saranac Lake; to some point between Long Lake and Tupper's Lake, on the road leading from Crown Point to Carthage.

Sec. 2. The said commissioners shall furnish the comptroller of this state, and the treasurers of the counties in which the said road shall be located, a schedule of all lands lying within five miles of such road when duly laid out, owned by non-residents, including the whole of all lots, parts of which are within five miles of said road.

* * * * *

Sec. 6. A further sum is hereby appropriated to be paid out of any moneys in the treasury not otherwise appropriated, for the purpose of opening a road from the forks of the river Saranac, in the most direct and convenient route through Harriettstown to the northeast head of the upper Saranac lake, in township number twenty, Macomb's purchase, Franklin county, which said sum shall be equal to five hundred dollars for every mile of said road, to be ascertained from a map of said road, which shall be made from actual survey, and filed in the comptroller's office by the aforesaid commissioners, by and under whose direction the said moneys shall be expended as they shall deem best for the interests of this state, in laying out and opening said road.

* * * * *

CHAPTER 512, LAWS OF 1851.

AN ACT providing for the laying out a road from Johnsburgh, Warren county, to the eastern branch of the Sacandaga river in said county, and for constructing the same.

Sec. 1. Isaiah Morrison of Wells, county of Hamilton, Jas. W. Kenyon and John Hodgson, second, of Johnsburgh and county of Warren, are hereby appointed commissioners to lay out a

public highway from a point on the east branch of the Sacandaga river, near the south line of Johnsburgh, at the junction of Stewart's creek, to such point on the Kenyontown road, leading from John Noble's 2d store, to the north line of the town of Athol, as the public interest shall require.

Sec. 2. For the purpose of constructing and improving said road, all non-resident highway taxes assessed upon the following named tracts of land, shall be expended thereon, under the direction of said commissioners, namely: The lands of townships number thirteen in Warren county, and thirty-one in Hamilton, the gore between townships number twenty-nine and thirty-one; and also the four northern tiers of lots in township number eleven in Warren county.

* * * * *

CHAPTER 331, LAWS OF 1852.

AN ACT to provide for the laying out and construction of a road from the town of Pierpont, in St. Lawrence county, to the road from Carthage to Lake Champlain.

Sec. 1. Amasa J. Brown, of the town of Fine, in St. Lawrence county, and Benjamin Squire of the town of Canton, in said county, are hereby authorized and appointed commissioners to lay out and construct a public road and highway for some highway in the town of Pierpont, in St. Lawrence county, through, or partly through, townships numbers six, nine, ten, twelve, thirteen, fourteen and fifteen of great tract number three of Macomb's purchase in St. Lawrence county, and through townships number forty-two of Totten and Crossfield's purchase, and the tract of land known as the James Watson tract, in Herkimer county, or through some parts of said lands, to junction with the road from Carthage to Lake Champlain, authorized to be constructed by the act entitled "An act to construct a road from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex," passed April 14, 1841. * * *

Sec. 2. All lands of non-residents, in townships numbers six, ten, twelve, thirteen, fourteen, fifteen, and in east half of town-

ship number nine, called Sarahsburg, in great tract number three of Macomb's purchase, situate in St. Lawrence county, and in township number forty-five* of the Totten and Crossfield purchase, and said tract known as the James Watson tract, in Herkimer county, together with such lands of residents in the said townships, and the said Watson tract, as the highway commissioners of the several towns of which they are situate may assign to the road district constituted by this act, shall be, and the same are hereby constituted one road district, under charge of said commissioners to be appointed under this act, which said road district shall be known as the "Pierpont, Fine, and Watson road district."

* * * * * * *

CHAPTER 48, LAWS OF 1853.

AN ACT to provide for the laying out and constructing a road from the town of Parishville to Long Lake.

Sec. 1. Ansel S. Smith of the town of Parishville, Howard Z. Cuhier of the town of Hopkinton, and Lymon Day of the town of Lawrence, in the county of St. Lawrence, are hereby appointed commissioners to lay out a public highway from some point in the old St. Lawrence turnpike road, east of the west branch of the St. Regis river, in the town of Parishville, to some point in the south line of township number nine, of great tract number two of Macomb's purchase, or to some point in the east boundary line of the township last mentioned.

Sec. 2. Townships numbers twelve, eight and nine, and the easterly half of township number eleven, in said great lot number two of Macomb's purchase, in said county, and townships numbers ten and thirteen, of great lot number one of Macomb's purchase, in the county of Franklin, are hereby constituted a road district for the purposes aforesaid.

* * * * * * *

* So in the original.

Sec. 8. This act shall take effect immediately and continue in force six years. The townships and part of townships hereinafore mentioned, from and after the passage hereof, shall be excepted from the road district constituted by the act passed June 23, 1851, entitled, "An act to provide for laying out and constructing the Colton and Long Lake road," and form no part of said road district; and all acts and parts of acts inconsistent with the provisions of this act are hereby rendered of none effect, so far as respects such inconsistency.

CHAPTER 414, LAWS OF 1863.

AN ACT to amend an act entitled "An act to provide for the laying out and constructing the Colton and Long Lake road," passed June twenty-third, eighteen hundred and fifty-one; and to repeal an act authorizing the construction of the Parishville and Long Lake road.

Sec. 7. This act shall take effect immediately and continue in force twenty years.

Sec. 2. The act entitled "An act to provide for the laying out and constructing a road from the town of Parishville to Long Lake," passed March twenty-third, eighteen hundred and fifty-three, and the acts reviving or amending the same are hereby repealed.

Sec. 3. Township number nine, of great lot number two, Macombs' purchase in St. Lawrence county, is hereby constituted part of the road district of said Colton and Long Lake road; and townships number eight and twelve, and the east half of township number eleven of said great lot, are hereby constituted part of the road district of the town of Hopkinton in said county, and all highway taxes paid or collected therein, shall become highway moneys of said town, to be expended by the highway commissioners of said town in constructing or repairing roads and bridges.

CHAPTER 169, LAWS OF 1865.

AN ACT to continue the act entitled "An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain," passed April sixteenth, eighteen hundred and fifty-two; and also to continue the amendment to said act, passed April tenth, eighteen hundred and sixty.

Sec. 1. The act entitled "An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain," passed April sixteenth, eighteen hundred and fifty-two; and act amending and continuing the same, passed April tenth, eighteen hundred and sixty, the provisions of said act and amendment are extended so that the same shall continue in force for five additional years.

CHAPTER 96, LAWS OF 1853.

AN ACT to amend an act entitled "An act to provide for laying out and opening a road from Clinton county to Carthage, in Jefferson county," passed April 16, 1852.

Sec. 1. The act aforesaid is hereby amended so as to require the commissioners therein named to lay out and expend five thousand dollars, of the moneys appropriated by the sixth section of the said act, and in their hands, to making a road along the south branch of the said Saranac river, from the forks to Franklin Falls, and thence westerly to the east line of Harriestown, so as to connect with the road to be made from Coldbrook towards Carthage; but the amount heretofore expended by them, in exploring and surveying the said south route, shall be paid out of the said five thousand dollars.

Sec. 2. The residue of the appropriation made by the said sixth section, namely, eleven thousand eight hundred and twelve dollars and fifty cents, after deducting therefrom the expenses to which the said commissioners have been subjected or may

incur in carrying out the provisions of the same section, shall be applied by the said commissioners to the completion of the road, surveyed, located, and partially worked by them, along and near the north branch of the Saranac river, from the forks of the said river; but the commissioners are at liberty to locate and construct the road along the north side of Rainbow and Osgood ponds, instead of the south side, as surveyed, if they shall deem the deviation more eligible; and from thence to the intersection of the road, at or near the north-east head of the upper Saranac lake, to be laid out under the first section of the act aforesaid.

Sec. 3. If the appropriation, above named, shall prove insufficient to open and complete the road from the forks of the Saranac, by the way of the north branch of the river, to the terminus at or near the north-east head of the upper Saranac lake, then the deficiency shall be supplied entirely upon the western portion of the route, by highway taxes upon the non-resident lands within five miles of the line of road requiring such supply, according to the provisions of sections two, three and four of the act hereby amended, and the operation of these sections is enlarged accordingly.

CHAPTER 343, LAWS OF 1853.

AN ACT in relation to non-resident highway taxes upon certain lands in the counties of Warren, Essex and Hamilton.

Sec. 1. Townships number sixteen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight and fifty, north half of fourteenth, in Totten and Crossfield's purchase, in the counties of Essex and Warren and Hamilton, are hereby constituted a road district; and Sarell Wood and Orville Cronkhite, of the county of Warren, and Daniel C. Chase, of the county of Essex, are hereby appointed commissioners to lay out roads and expend the highway tax assessed in said road district.

* * * * *

Sec. 3. The said commissioners shall have power to lay out a road in said district, extending from near Jones Ordway's near the northern boundary of the county of Warren, northwardly, keeping on the west side of the Hudson river, by the most direct and feasible route, to the north bounds of the fiftieth township, near the foot of Long lake, and to expend the highway tax, assessed in said road district, as they shall deem best for the interests of the state.

* * * * *

Sec. 10. This act shall take effect immediately, and remain in force six years.

CHAPTER 347, LAWS OF 1853.

AN ACT to construct certain roads from the settlements in Lewis county to Brown's tract in Herkimer county.

Sec. 1. Lyman R. Lyon and Francis Seger, of Lewis county, are hereby appointed commissioners to lay out and construct a road from the village of Port Leyden, in the county of Lewis, to the old iron works on township number seven, Brown's tract, in the county of Herkimer. Also a road from Hezekiah Abbey's, in the town of Greig, in the county of Lewis, to intersect the road from Port Leyden, as aforesaid, at some convenient point at or near the Middle Settlement (so called), on township number one, Brown's tract, in the county of Herkimer; and also in their discretion to expend a sum, not exceeding one hundred dollars in any one year, in constructing a road on the east side of Black river, from Port Leyden to Fish creek in the town of Greig.

Sec. 2. The powers conferred upon the commissioners of highways of this state by the act of the 24th of April, 1835, entitled "An act in relation to the assessment of highway labor," are hereby transferred to the commissioners above named, for the period of seven years from the first day of January, one thousand eight hundred and fifty-three, over the following described lands, lying in the counties of Lewis, Herkimer and Hamilton, viz: All that part of the Brantingham tract, in the county of Lewis, lying east of the west line of lots number twelve,

thirty, forty-eight, sixty-six, eighty-four, one hundred and two, one hundred and twenty, one hundred and thirty-eight, one hundred and fifty-six, one hundred and seventy-four, one hundred and ninety-two, two hundred and ten, two hundred and twenty-eight, two hundred and forty-six, two hundred and sixty-six, two hundred and eighty-three, three hundred, three hundred and sixteen, three hundred and thirty-two and three hundred and forty-seven. Also all of Brown's tract, consisting of eight townships, numbers one to eight inclusive, lying in the counties of Lewis, Herkimer and Hamilton, excepting the subdivision lots in towns three and four. Also all of townships one, two, three and four, Moose river tract, in the counties of Herkimer and Hamilton. Also all of townships four, five, six, seven and forty-one, of Totten and Crossfield's purchase, in the county of Hamilton.

* * * * *

Sec. 4. For the purpose of laying out and constructing said roads, the said commissioners are hereby authorized to levy a tax of fifteen cents on each one hundred acres upon all the lands hereinbefore described in the county of Lewis, and ten cents on each one hundred acres upon all the lands hereinbefore described in the counties of Herkimer and Hamilton. * *

* * * * *

CHAPTER 157, LAWS OF 1854.

AN ACT to provide for carrying out and opening a road from township number eight to township number ten, old military tract, Franklin county.

Sec. 1. William Andrus, of Malone, John Roberts, fourth, and Edgar A. Keeler, of Chateaugay, in the county of Franklin, are hereby appointed commissioners to lay out a public highway from some point near Chateaugay lake, in township number eight in the old military tract, in the county of Franklin, to some point on the Port Kent and Hopkinton turnpike, in township number ten in the same tract.

Sec. 2. The said commissioners shall furnish the comptroller of this state and the treasurer of the county of Franklin a schedule of all lands lying within five miles of such road, when duly laid out, owned by non-residents, including the whole of all lots, parts of which are within five miles of said road.

* * * * *

CHAPTER 164, LAWS OF 1854.

AN ACT to authorize the imposition of a tax upon certain lands in Herkimer and Hamilton counties, to provide means for completing a road from Morehouse to Salisbury.

Sec. 1. John W. Stanton and James H. Ives, of the county of Herkimer, and Havilla Winchell, of the county of Hamilton, are hereby appointed commissioners to construct and improve a road from the town of Morehouse, in Hamilton county, to the house of B. Curtis, in the town of Salisbury, Herkimer county, laid out in pursuance of chapter sixty-five of the Laws of eighteen hundred and forty-five, and also in their discretion to change the route of that portion of said road, in the town of Morehouse, so as to avoid the hill on the northern end of said road.

* * * * *

Sec. 3. For the purpose of constructing and improving said road, the said commissioners are hereby authorized to levy a tax of one hundred dollars for each mile of said road, in each year, for two successive years.

* * * * *

Sec. 7. No part of said tax shall be levied by said commissioners until Moses P. Kimball and Company shall pay to said commissioners the sum of five hundred dollars, in each year, for the two successive years said tax is authorized to be levied, which sum is a donation of said Kimball and Company, to be expended by said commissioners on that portion of said road lying south of said Kimball and Company's mills, in the town of Salisbury, at Jerseyfield Lake.

* * * * *

CHAPTER 368, LAWS OF 1854.

AN ACT to provide for the laying out and construction of a road from Dickinson Centre, south, through townships number ten, thirteen, sixteen, nineteen, twenty-two and twenty-five, in the county of Franklin.

Sec. 1. Sidney Lawrence and Milton Heath, of Moira, and Reuben Cady, of Dickinson, in the county of Franklin, are hereby authorized and appointed commissioners to lay out and construct a public road and highway, not less than three nor more than four rods in width, from Dickinson Centre, south, through the centre, or as near the centre as practicable, of townships numbers ten, thirteen, sixteen, nineteen, twenty-two and twenty-five, in said county of Franklin, to the south line of No. twenty-five, in said town of Dickinson. Said commissioners shall hold their offices until others shall be appointed in their places by the county judge of said county of Franklin, as hereinafter provided.

* * * * *

Sec. 6. All the lands of non-residents in the said townships number ten, thirteen, sixteen, nineteen, twenty-two and twenty-five, as mentioned in the first section of this act, through which said road shall be laid, together with such lands of residents in the said town of Dickinson, or in said townships above named, shall be and the same are hereby constituted one road district, for the purposes of this act, under the charge of the commissioners so appointed under this act.

* * * * *

CHAPTER 21, LAWS OF 1855.

AN ACT in relation to non-resident highway taxes upon certain lands in Essex county.

Sec. 1. Townships forty-five and forty-eight, and the fractional township lying north of township forty-five, of the Totten and Crossfield purchase, that part of the Roaring brook tract, that part of the North River head tract, and that part of the old military tract lying southerly of the north line of the Roaring

brook tract, in the town of Keene, are hereby constituted a road district; and Sylvanus Wells, of the town of Jay, Harvey Holt, of the town of Keene, and Henry N. Haskell, of the town of Newcomb, all of Essex county, are hereby appointed commissioners to lay out and construct a road from the vicinity of Roderick McKenzie's in the town of Keene, through said lands, to the town of Newcomb in said county; and to expend the non-resident highway tax assessed in said road district.

* * * * *

CHAPTER 522, LAWS OF 1855.

AN ACT to authorize the laying out and construction of a road from Lake Pleasant, in Hamilton county, to Long Lake, in said county, and to apply the road tax on certain townships along the line of said road, to pay the expense of laying out and constructing the same.

Sec. 1. Townships number two, three, four, six, seven, nine, nineteen, thirty-one, thirty-three, thirty-four and thirty-six, in the county of Hamilton are hereby constituted a road district; and William Wood, William Burnham and Lyman Mix, of the county of Hamilton, are hereby appointed commissioners to lay out roads and expend the highway tax in said district.

Sec. 2. The said commissioners shall have power to lay out and construct a road in said district, extending from some point on Lake Pleasant, on the most direct and feasible route to Long Lake in Hamilton county, and to expend the highway tax in said road district as they deem best for the interests of the state, in laying out and constructing said road.

* * * * *

CHAPTER 200, LAWS OF 1857.

AN ACT making certain portions of the counties of Essex and Franklin a road district, and the application of the non-resident highway taxes to the laying out and constructing roads therein.

Sec. 1. Township number twenty-three, twenty-four, twenty-six, and twenty-seven, in McComb's purchase, Franklin county,

lots one to forty-four inclusive, Richard's survey, and all that part of Thorn's survey lying west of the tier of lots numbers ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, and ninety-eight, in township number twelve, old military tract, Essex county, are hereby constituted a road district, and Henry J. Campbell and Timothy S. Nash, of the county of Essex, and James O. Drake, of Malone, Franklin county, are here by appointed commissioners to lay out roads and expend the highway tax assessed in said road district.

* * * * *

Sec. 3. The said commissioners shall have power to lay out and construct a road commencing at or near lot number one hundred and eighteen, Thomas' survey, and running thence in a westerly course through the town of North Elba, so as to strike Cold Brook, in township number twenty-four, Franklin county, and from thence in the most feasible and direct course to the outlet or south end of the upper Saranac lake, and to expend the highway tax assessed in said road district as they shall deem best for the interest of the state.

* * * * *

CHAPTER 322, LAWS OF 1857.

AN ACT to amend an act entitled "An act to provide for the laying out and constructing the Colton and Long Lake road," passed June twenty-third, eighteen hundred and fifty-one.

Sec. 1. Section seven of the act to provide for the laying out and constructing the Colton and Long Lake road, passed June twenty-third, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Sec. 7. This act shall take effect immediately and continue in force twelve years, and all acts inconsistent with the provisions of this act are hereby rendered of none effect.

Sec. 2. Nothing in section first of this act shall be so construed as to interfere with the provisions of an act to provide for the laying out and constructing a road from the town of

Parishville to Long Lake, passed March twenty-third, eighteen hundred and fifty-three.

CHAPTER 646, LAWS OF 1857.

AN AOT to provide for laying out and constructing the Warren and Hamilton county road.

Sec. 1. John Hodgson and John A. Russell of the county of Warren, and Elijah Cowles of the county of Hamilton, are hereby appointed commissioners to lay out a public highway from some point (as the interest of the state shall require) on the road known as the Kenyontown road, running through to Thurman and Johnsburch, in the county of Warren, to some point on the Sacandaga river, at or near the Wadsworth mills in Wells, in the county of Hamilton, thence down the said river to the settlement some four miles below said mills.

Sec. 2. The said commissioners shall furnish the comptroller of this state, and the treasurers of the counties in which the lands lay, with a schedule or description, satisfactory to the comptroller, of all lands lying west of the said Kenyontown road, owned by non-residents, within three miles of the line of said road, including the whole of all lots parts of which are within three miles of said road; also, the lands of township number thirteen in Warren county, and the gore between township number twenty-nine and thirty-one in Warren county, and township thirty-one in Hamilton county; which said territory, together with such lands owned by residents as the commissioners of highways of the town in which the lands are situated shall direct; is hereby directed to constitute a road district, which shall be known as the Warren and Hamilton county road district.

* * * * *

Sec. 5. The said commissioners shall have power to expend the highway tax assessed in said road district, as they shall deem best for the interest of the state, in laying out constructing and keeping said road in repair.

* * * * *

CHAPTER 100, LAWS OF 1858.

AN ACT to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county.

Sec. 1. Daniel Ames, of the town of North Elba, Eli Clough, and Edward C. Conger, of the town of St. Armand, Essex county, are hereby authorized and appointed commissioners to lay out and construct a road by the most direct feasible route, from the old state road near lot number one hundred and seventeen, in township number eleven of the old military tract, to intersect the Port Kent and Hopkinton turnpike, in Franklin county, said road to run as near due north as practicable.

Sec. 2. All the lands of non-residents in the townships nine and eleven, and south-west quarter of township ten, in the old military tract, and in townships fifteen, eighteen and twenty-one, in Macomb's purchase, and in the White Face mountain tract, shall be and the same are hereby constituted one road district, under charge of said commissioners appointed by this act and their successors in office.

* * * * *

CHAPTER 249, LAWS OF 1858.

AN ACT making certain portions of the counties of Fulton and Hamilton a road district, and applying the non-resident highway taxes to the construction of roads therein.

Sec. 1. All the lands in the town of Bleecker in the county of Fulton; also, all that part of Benson township, lying in the towns of Hope, Lake Pleasant and Wells, in Hamilton county; all of Bergen's purchase, in the town of Hope, lying west of the Sacandaga river, and all of said Bergen's purchase in the town of Wells, lots number one, two, three, four and five, in great lot number six, rear division, general allotment, Palmer's purchase; the north one-half of great lot number five, known as Leffert's tract, in the rear division, general allotment, Palmer's

purchase; also, lots numbers eight to fourteen, inclusive, in great lot four, rear division, Palmer's purchase; all of the Oxbow tract, in the town of Lake Pleasant; the south half of the township number one, Totten and Crossfield's purchase, and the gore, south of township number one, Totten and Crossfield's purchase; and all of townships ten and twenty-nine, Totten and Crossfield's purchase, in the towns of Wells and Gilman, in the county of Hamilton, and the gore, in town of Wells, north of Palmer's purchase, are hereby constituted a road district; and James H. Young and Rilus Eastman, of Bleecker, in the county of Fulton, and William J. Powell, of Wells, in the county of Hamilton, are hereby appointed commissioners to lay out roads and expend the highway tax, assessed in said road district.

* * * * *

Sec. 3. The said commissioners shall have power to lay out and construct a road, commencing at some point in the town of Bleecker, and running thence, in a northerly course, through the town of Bleecker, and through the town of Hope, and in the town of Wells, so as to strike the village of Wells, in the most feasible and direct course, and to expend the highway tax assessed in said road district, as they shall deem best for the interest of said road district.

* * * * *

CHAPTER 251, LAWS OF 1858.

AN ACT to amend an act entitled "An act making certain portions of the counties of Essex and Franklin a road district, and the application of the non-resident highway taxes to the laying out and constructing roads therein," passed in eighteen hundred and fifty-seven, chapter two hundred.

Sec. 1. The first section of the act passed March thirty-first, eighteen hundred and fifty-seven, chapter two hundred, is hereby amended so as to read as follows:

Sec. 1. Townships numbers twenty-three, twenty-four, twenty-six and twenty-seven, in McComb's purchase, Franklin county,

lots one to forty-four inclusive, Richard's survey, and all that part of Thorn's survey, lying west of the tier of lots numbers ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, in township number twelve, old military tract, the non-resident lots in townships one and two, old military tract, and township forty-eight in Totten and Crossfield's purchase, and all lands lying northerly of townships forty-five and forty-six, and easterly of townships twenty-eight and fifty, in Totten and Crossfield's purchase, in Essex county, are hereby constituted a road district, and Henry J. Campbell, Timothy S. Nash, and William H. Hull are hereby appointed commissioners to lay out roads and expend the highway taxes assessed in said road district, in the manner hereafter provided; and said commissioners, in addition to the powers herein conferred, shall have all the powers of commissioners of highways in the several towns of this state, and in case the town assessors, or any of them, shall not, for any cause, assess any of the non-resident lands in said road district, said commissioners shall assess on such lands highway taxes, and the taxes so assessed shall be as valid in all respects, and shall be collected in the same manner as other highway taxes on non-resident lands are collected.

Sec. 2. Section third of the aforesaid act is hereby amended so as to read as follows:

Sec. 3. It shall be the duty of said commissioners, to lay out and construct a road, commencing at or near lot number forty, in townships one and two, old military tract, and running thence up the outlet of the Edmond's ponds, and along the shores of said ponds, and by the most feasible route to or near lot one hundred and eighteen, Thorn's survey, and thence in a westerly course through the town of North Elba, so as to strike Cold Brook, in township number twenty-four, in Franklin county, and thence by the most feasible and direct course to the outlet or south end of the Upper Saranac lake, and said commissioners shall expend the highway tax assessed in said district, as they shall deem best for the interest of the state,

and shall first lay out and construct the part of the road from the said point of commencing, along said ponds to or near said lot one hundred and eighteen, in Thorn's survey, in township eleven of the old military tract.

CHAPTER 474, LAWS OF 1859.

AN ACT to lay out and construct a road from the State pond at the head of the Black River canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake,* in township number six, Moose river tract, in Herkimer county.

Sec. 1. All the lands in townships numbers five, six, seven, and eight, and the northwesterly halves of townships nine and ten of the Moose river tract; the Nobleboro' tract; except the easterly half, all of East Adgate lying in Herkimer county; the three most easterly tiers of lots in Woodhull tract; also lots twenty-four, twenty-five, twenty-six, twenty-seven, thirty-two, thirty-three, thirty-four, forty-one and forty-two in Woodhull tract; townships numbers three, four, in Totten and Crossfield's purchase, are hereby constituted a road district for the term of seven years, for the purpose of laying out, constructing and maintaining a road from the State pond, at the head of the Black river canal feeder, in the town of Remsen, Oneida county, through said district, on the most direct and judicious route, to Transparent or Jock's lake, in township number six, in Moose river tract, in Herkimer county, which road shall be called the "Black River State road."

* * * * *

Sec. 3. For the purpose of laying out, constructing and maintaining said road, the said commissioners are hereby authorized to lay, yearly, a tax of fifty cents for each one hundred dollars valuation, as assessed by the assessors of the respective towns in which the lands are located, in the counties of Oneida and Herkimer, and ten cents on each one hundred acres in Hamilton county, on all of the non-resident lands lying in the district here-

* Now called Lake Honnedaga.

inbefore described. Said tax shall be levied in the manner prescribed by section twelve of article two, chapter thirteen of part one of the Revised Statutes, and an assessment roll for that purpose shall be made and signed by the commissioners.

* * * * *

CHAPTER 164, LAWS OF 1866.

AN ACT to amend and continue in force the act entitled "An act to lay out and construct a road from the State pond, at the head of the Black River canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in township number six, Moose River tract, in Herkimer county."

Sec. 1. The act entitled "An act to lay out and construct a road from the State pond, at the head of the Black River canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in township number six, Moose River tract, in Herkimer county," passed April eighteenth, eighteen hundred and fifty-nine, which expires by its own limitation on the eighteenth day of April, eighteen hundred and sixty-six, is hereby continued and declared to be in full force for the further period of four years from said eighteenth day of April, eighteen hundred and sixty-six.

Sec. 2. Section six of said act is hereby amended so as to read as follows: Said commissioners shall allow any owner of lands assessed for highway labor in the district hereby formed, to work out the same under their directions on the road above mentioned during the time ordinarily allowed for working out highway taxes, at the rate of one dollar per day, and said commissioners shall annually expend on said road all the moneys coming into their hands for that purpose. And should they expend in any year more than they received, the excess shall draw interest until subsequent receipts, and shall be payable yearly out of the moneys accruing during said seven years.

CHAPTER 230, LAWS OF 1860.

AN ACT for the construction of a road from the outlet of Branch pond, in lot number nine, in township number nine, McComb's purchase, great tract number one, Franklin county, to the Upper Saranac lake, in lot number twenty in the same purchase.

Sec. 1. Oliver Keese, Nehemiah Harkness, and Thomas O'Neil are hereby appointed commissioners to lay out and construct a road, commencing at the outlet of Branch pond, in lot number nine, in township nine, of McComb's purchase, great tract number one, in the county of Franklin, and running through lots number twelve, fifteen and eighteen, and ending at some point in lot number twenty of the same purchase, on the Upper Saranac lake, in Franklin county; and also to claim and receive from the commissioners of highways of the several towns in which said lots numbers nine, twelve, fifteen, eighteen and twenty, and also lots number fourteen, seventeen and twenty-one, in the same tract are situated, for five years from the first day of April, eighteen hundred and sixty, all the non-resident highway tax assessed on said several lots mentioned.

* * * * *

CHAPTER 241, LAWS OF 1861.

AN ACT to amend an act entitled "An act to lay out and construct a road from the State pond, at the head of the Black river canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake in township number six, Moose river tract, in Herkimer county," passed April eighteenth, eighteen hundred and fifty-nine.

Sec. 1. All the powers conferred upon the commissioners to lay out and construct a road from the state pond at the head of the Black river canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in township number six, Moose river tract, in Herkimer county, pursuant to the provi-

sions of chapter four hundred and seventy-four of the laws of eighteen hundred and fifty-nine may be exercised by a majority of said commissioners at any meeting held to carry out said act, or in virtue of resolutions adopted at such meeting, providing due notice of said meeting shall have been given by any one of said commissioners to the others, in writing, two days prior to the time of holding such meeting.

CHAPTER 346, LAWS OF 1860.

AN ACT in relation to the highway between Wilmarth and Morehouse, in the county of Hamilton.

Sec. 1. All that tract of land lying within four miles of the road, from Wilmarth to Morehouse, in the county of Hamilton, is hereby constituted a separate road district and Havilla Winchell, Basil Bennett, of Morehouse, and Sewell Harvey, of Wilmarth, are hereby appointed commissioners to lay out and expend the tax on the road between Morehouseville and Wilmarth.

* * * * *

CHAPTER 280, LAWS OF 1861.

AN ACT to amend an act in relation to the highway between Wilmurt and Morehouse, in the county of Hamilton.

Sec. 1. Chapter three hundred and forty-six of the laws of New York, passed April thirteenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

All that tract of land lying within four miles of the road from Wilmurt Four Corners, in Herkimer county, to Morehouseville in the county of Hamilton, is hereby constituted a separate road district, and Havilla Winchell, Basil Bennett, of Morehouse, and Sewell Harvey, of Wilmurt, are hereby appointed commissioners to lay out and expend the tax on the road between Morehouseville and Wilmurt Four Corners.

CHAPTER 228, LAWS OF 1862.

AN ACT in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county.

Sec. 1. William Burnham and Elijah Cole, of the town of Wells, in the county of Hamilton, are hereby appointed commissioners to lay out a public highway, commencing on the west side of Sacandaga river at the northeast line of township number one and lot number six, and running up said river to the Lake Pleasant branch, and thence up the Lake Pleasant branch to the foot of Lake Pleasant, a distance of about ten miles.

Sec. 2. The highway tax on all the following non-resident lands, shall be applied to the construction and repair of said highway, viz.: all the non-resident lands in township number one in Totten and Crossfield's purchase, except the southwest corner; all of the non-resident lands in township number nine, Totten and Crossfield's purchase, and all of the non-resident lands in townships numbers ten and twenty-nine, in Totten and Crossfield's purchase, all of said lands being in the said county of Hamilton, not otherwise appropriated by chapter three hundred and thirteen of the laws of eighteen hundred and sixty.

* * * * *

CHAPTER 307, LAWS OF 1862.

AN ACT to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road.

Sec. 1. The commissioners of the Black River State road appointed by an act entitled "An act to lay out and construct a road from the state pond at the head of the Black River Canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in township number six, Moose river tract, in Herkimer county," passed April eighteenth, eighteen hundred and fifty-nine, are hereby empowered to re-levy the taxes of eighteen hundred and fifty-nine and eighteen hundred and sixty, authorized by the said act pursuant to the provisions of said act, so far as the same is applicable.

CHAPTER 400, LAWS OF 1862.

AN ACT to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose.

Sec. 1. Daniel Underwood, of the county of Washington, Robert G. Ostrander, of the county of Hamilton, and Joseph Fellows, of the city of Albany, are hereby appointed commissioners to lay out a public highway, commencing at a point on the north side of the west branch of the Sacandaga river, at or near the line between township number one and the Oxbow tract, in the county of Hamilton, and running up said river, or as near thereto as practicable, to the saw mill on the outlet of Piseco lake, with two branches from said outlet, one westerly to the Morehouse road, the other southerly to Allen's farm house; and the highway tax on all the following non-resident lands shall be applied to the construction and repair of said highway, viz: all of the lands in the Oxbow tract, and the southwest quarter of township number one, in Totten and Crossfield's purchase, in said county of Hamilton.

* * * * *

Sec. 11. This act shall take effect immediately, and continue in force three years, and all acts inconsistent with the provisions of this act are hereby rendered of none effect.

CHAPTER 306, LAWS OF 1863.

AN ACT to construct a highway from the town of Keene, in Essex county, to the State road, in the town of North Hudson, in said county.

Sec. 1. Phineas Norton, Smith Beedy and William H. Hull, of Keene, Essex county, are hereby authorized and appointed as commissioners to lay out and construct a road by the nearest and most feasible route from the residence of Smith Beede, in said town of Keene, in a southeasterly direction to the state

road, in the town of North Hudson, a distance of about nine miles.

Sec. 2. Townships forty-four, forty-five, forty-six and forty-nine, in the North River head tract, also all of Roaring Brook tract, in the town of Keene, Essex county, shall be, and the same are hereby constituted one road district under charge of said commissioners appointed by this act and their successors in office.

* * * * *

CHAPTER 452, LAWS OF 1863.

AN ACT to amend an act entitled "An act for carrying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose," passed April twenty-first, one thousand eight hundred and sixty-two.

Sec. 1. William McEachron, of the county of Washington, Robert G. Ostrander, of the county of Hamilton, and Joseph Fellows, of the city of Albany, are hereby appointed commissioners to lay out a public highway, commencing at a point on the north side of the west branch of the Sacandaga river, at or near the line between township number one and the Oxbow tract, in the county of Hamilton, and running up said river, or as near thereto as practicable, to the saw mill on the outlet of Piseco lake, with two branches from said outlet, one westerly to the Morehouse road, the other southerly to Allen's farm house, and to lay out and construct and repair any and all other roads in the town of Arietta, in said county, and all the highway tax already assessed, or which may hereafter be assessed, and also all moneys heretofore levied on the following non-resident lands, not heretofore paid into the comptroller's office and not already expended, shall be applied by the commissioners appointed under this act and their successors to the construction and repair of said highway, viz.: All the lands in the Oxbow tract and the southwest quarter of township number one, in

Totten and Crossfield's purchase, in said county of Hamilton, and on all other non-resident lands in the said town of Arietta.

* * * * *

Sec. 11. This act shall take effect immediately, and continue in force three years.

CHAPTER 454, LAWS OF 1863.

AN ACT in relation to non-resident highway taxes upon certain lands in the counties of Essex and Hamilton.

Sec. 1. Townships number twenty, twenty-eight, fifty, forty-six, forty-seven, eighteen, twenty-seven, sixteen, twenty-six and thirty, in Totten and Crossfield's purchase, in the counties of Essex and Hamilton, are hereby constituted a road district; and George F. Houghton, of the county of Hamilton, and Daniel C. Chase, and Wesley Barnes, of the county of Essex, are hereby appointed commissioners to lay out roads and expend the highway tax assessed in said road district.

* * * * *

Sec. 3. The said commissioners shall have power to lay out a road in said road district, extending from near the house of Michael Lynch, in the town of Minerva, to near the Tahawus house, at the lower iron works in the town of Newcomb, by the most direct and feasible route, and to expend the highway tax assessed in said road district as they shall deem best for the interest of the State.

* * * * *

Sec. 9. It shall be the duty of the comptroller to pay to the said commissioners, or any two of them, all highway moneys now remaining in his hands, if any, which may have been assessed on townships number sixteen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight and fifty, north half of fourteenth in Totten and Crossfield's purchase, in the counties of Essex, Hamilton and Warren.

Sec. 10. This act shall take effect immediately, and remain in force six years.

CHAPTER 710, LAWS OF 1865.

AN ACT in relation to non-resident highway taxes upon certain lands in the county of Essex, and to amend chapter eight of Laws of eighteen hundred and sixty-three.

Sec. 1. All the non-resident highway taxes on townships number twenty-eight, forty-seven and fifty, in the Totten and Crossfield's purchase, in the town of Newcomb, county of Essex, shall be applied on a highway running from the house of Michael Lynch, in the town of Minerva, to the Long Lake road, in the town of Newcomb.

Sec. 2. The comptroller shall pay over annually all the non-resident highway taxes that may have been received by him on said townships to George F. Houghton, Daniel C. Chase, and Wesley Barnes, commissioners of said road, and their successors in office.

Sec. 3. The said commissioners shall apply all said moneys as provided in chapter four hundred and fifty-four of the laws of eighteen hundred and sixty-three, and shall receive a compensation of three dollars per day for each day's services actually performed, and their necessary expenses incurred in the discharge of their duties under this act.

Sec. 4. This act shall take effect immediately, and remain in force six years.

CHAPTER 328, LAWS OF 1866.

AN ACT to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose.

Sec. 1. Timothy S. Nash, of North Elba, and David Hinds and Charles W. Jones, of Keene, in the county of Essex, are hereby appointed commissioners to complete a highway or road commencing at or near lot number forty, in townships one and two, old military tract; and running thence up the outlet of the Edmonds' ponds, and along the shores of said ponds and by the most feasible route to or near lot number one hundred

and eighteen, Thorn's survey; and thence in a westerly course through the town of North Elba, so as to strike Cold Brook in township number twenty-four, in Franklin county. And the highway taxes on all non-resident lands in the towns of Keene and North Elba, in the county of Essex, shall be placed at the disposal of the before named commissioners.

* * * * *

Sec. 8. This act shall take effect immediately, and continue in force five years.

CHAPTER 817, LAWS OF 1866.

AN ACT to lay out and construct a road, from the river road in township number fourteen, in the town of Johnsburgh, to the Carthage road, near the head of Long Lake, in the county of Hamilton.

Sec. 1. Henry Crandell, Joel Green and Benjamin C. Butler of the county of Warren, are hereby appointed commissioners, whose duty it shall be to lay out and construct a wagon road from the Hudson river road near Robblee's hotel, in the town of Johnsburgh, up through the town of Indian Lake, by the most eligible route to the Carthage road, near the head of Long Lake, in the county of Hamilton.

* * * * *

Sec. 3. The non-resident highway tax of townships number sixteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty, forty-one, six and seven, is hereby appropriated for the purposes of this act. And the comptroller shall retain in his hands, and pay over to the commissioners appointed by this act, all such non-resident highway taxes as may now have been assessed upon the townships above herein named, which may not have been paid over to the treasurers of the counties wherein the said lands is situated. And the said Comptroller shall pay over to the commissioners herein named, or to their order annually, for the term of five years, all such non-resident highway taxes as may be assessed upon said lands.

* * * * *

Sec. 7. This act shall take effect immediately, and shall be in force for five years from its passage.

CHAPTER 227, LAWS OF 1872.

AN ACT to amend an act passed May ninth, eighteen hundred and sixty-eight, entitled "An act to amend section three of chapter eight hundred and seventeen of the Laws of eighteen hundred and sixty-six, entitled 'An act to lay out and construct a road from the river road in township number fourteen, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

Sec. 1. Section one of chapter eight hundred and seventeen of the Laws of eighteen hundred and sixty-six, is hereby amended so as to read as follows: Henry Crandall, George Levitt and Benjamin Butler, of the county of Warren, are hereby appointed commissioners, whose duty it shall be to lay out and construct a wagon road from the Hudson river road, near Roblee's hotel, in the town of Johnsburgh, up through the town of Indian Lake, by the most eligible route to the Carthage road, near the head of Long lake, in the county of Hamilton.

Sec. 2. Section three of said act is hereby amended so as to read as follows:

Sec. 3. The non-resident highway tax of townships six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-three, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, forty and forty-one, of Totten and Crossfield's purchase, in the counties of Essex, Hamilton and Warren, is hereby appropriated for the purposes of this act, * * *

Sec. 3. The foregoing act is hereby so amended that the same shall be extended and remain and continue in force for the term of six years from January first, one thousand eight hundred and seventy-three.

CHAPTER 304, LAWS OF 1867.

AN ACT to amend an act entitled "An act to construct a highway from Aridondac to Saranac," passed April thirtieth, eighteen hundred and sixty-four.

Sec. 1. All the non-resident lands in the counties of Essex and Franklin, in townships twenty-three, twenty-four, twenty-six, twenty-seven, in Macomb's purchase, in great tract number one, and townships twenty-eight, forty-five, forty-six, forty-seven, forty-eight, forty-nine and fifty in Totten and Crossfield's purchase, are hereby constituted a road district, and William F. Martin, of Harrietstown, and Monroe Hall, of Plattsburgh, and Joseph A. Titus of St. Armand, are hereby appointed commissioners to have charge of said road district, and they and their successors in office shall have all the powers of commissioners of highways in the towns of this State.

CHAPTER 450, LAWS OF 1867.

AN ACT to construct a highway from the town of Keene in Essex county, to the State road in the town of North Hudson in said county.

Sec. 1. Herbert A. Putnam, Adam W. Kane, and William H. H. Hull are hereby authorized and appointed commissioners to lay out and construct a road, by the nearest and most feasible route, from the present residence of Smith Beede in the town of Keene, in a south-easterly direction, to some point on the State road in or near lot number ninety-six in the North River Head tract, a distance of about five miles.

Sec. 2. The Roaring Brook and North River Head tracts within the * of Keene and Elizabethtown, and also that portion of said North River Head Tract which lies in the town of North Hudson in Essex county, shall be and the same is hereby constituted one road district, under the charge of the commissioners appointed by this act, and their successors in office.

* * * * *

* So in original.

Sec. 8. Chapter three hundred and six of the laws of eighteen hundred and sixty-three, and so much of chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-six as relates to non-resident highway taxes in North River Head and Roaring Brook tracts in the town of Keene aforesaid are hereby repealed.

CHAPTER 868, LAWS OF 1867.

AN ACT relating to certain non-resident highway taxes in Clinton county, and the old Military Tract.

Sec. 1. The non-resident lands in Saranac and Black Brook, in Clinton county, described as follows: The nine westerly tier of lots in the town of Saranac, extending from the north to the south side of said town; and the seven northerly tier of lots in the town of Black Brook, extending from the east to the west side of said town, and in township ten, in the old military tract in Franklin county, are hereby constituted a road district, under commissioners appointed as hereinafter provided, who shall possess all the rights, powers and privileges of town highway commissioners in this State, and they are hereby authorized to lay out and construct a highway from Saranac forks, in Clinton county, westerly or southerly to Saranac lake, or to connect with highways leading to said lake; so as to best develop the country and accommodate its business.

* * * * *

Sec. 5. This act shall take effect immediately, and shall remain in force and said taxes are hereby appropriated for the term of ten years, and all acts or parts of acts inconsistent with it, shall be deemed not to apply to said road-district.

CHAPTER 722, LAWS OF 1868.

AN ACT to amend an act entitled "An act in relation to a certain highway and certain highway taxes in the county of Hamilton," passed April twenty-second, eighteen hundred and sixty-seven, and to provide for relocating said highway over the lands of Isaac Williams.

Sec. 1. Robert G. Ostrander, James Moon and David Brownell, of the county of Hamilton, are hereby appointed commissioners,

whose duty it shall be to perform the duties imposed upon them by the provisions of this act, and to perform all the services they are authorized by this act to perform.

Sec. 2. Section four of said act is hereby amended so as to read as follows:

Sec. 4. The non-resident highway tax assessed in the towns of Hope, Benson, Lake Pleasant and the town of Wells, all such tax assessed upon all that part of the Ox-bow tract lying and assessed in the town of Arietta, and upon all that part of townships seven, eight nine and ten, Moose river tract, lying and assessed in the towns of Arietta and Morehouse, or either of them, is hereby appropriated for the purposes of this act; * * .

CHAPTER 407, LAWS OF 1869.

AN ACT to construct a highway from St. Regis lake to Malone.

Sec. 1. All the non-resident lands in townships ten, eleven, twelve, thirteen, fourteen, sixteen and seventeen, in McComb's purchase, in Great Tract number one, in Franklin county, are hereby constituted a road district, and David C. Skiff, of the town of Brighton, Emerson Steinburg, of the town of Duane, and Seth Wardner, of the town of Brighton, are hereby appointed road commissioners to have charge of said road district, and they and their successors in office shall have all the powers of commissioners of highways in the towns of this State.

Sec. 2. Said commissioners, with the money to be received for non-resident highway taxes in said road district, shall lay out and construct a road from some point on the St. Regis waters, and connecting with the road that leads to Keens' mill, and thence in the most direct and feasible course toward Malone.

* * * * *

CHAPTER 495, LAWS OF 1869.

AN ACT relating to certain non-resident highway taxes in Franklin county.

Sec. I. The non-resident lands in townships numbers twenty, twenty-one, twenty-three and twenty-four, great tract number

one of McComb's purchase in the county of Franklin, are hereby constituted a road district, under commissioners appointed as hereinafter provided, who shall possess all the rights, powers and privileges of town highway commissioners in this State, and they are hereby authorized to lay out and construct a highway across said township or any of them to the Saranac lake or lakes, or to connect with highways leading to said lake, so as to best develop the country and accommodate its business.

* * * * *

Sec. 5. This act shall take effect immediately, and shall remain in force, and said taxes are hereby appropriated for the term of ten years, and all acts or parts of acts inconsistent with it shall be deemed not to apply to said road district.

CHAPTER 639, LAWS OF 1869.

AN ACT to authorize the laying out and constructing a road from Pitcairn, St. Lawrence county, to Diana, Lewis county, and apply the tax on certain lands along the line of said road to pay the expences of laying out and constructing the same.

Sec. 1. In township number eleven, lots number seventy-seven to one hundred and forty, inclusive; in township number twelve, lots number thirty-five to eighty-two, inclusive; and township number fourteen, Macomb's purchase, great tract three, in St. Lawrence county; southeast part of great tract four, Macombs purchase, lots number seven to twenty-seven, inclusive, in Lewis and Herkimer counties, are hereby constituted a road district; and Norman J. Hosmore, of St. Lawrence county, and Orison Dean, of Warren county, Joseph Pahud, of Lewis county, are hereby appointed commissioners to lay out roads and expend the highway tax in said district.

Sec. 2. The said commissioners shall have power to lay out and construct in said district, extending from some point at or near Jennie creek, in Pitcairn, St. Lawrence county, on the most direct feasible route to Little river, from thence to the west branch of the Oswegatchie river, and then down said river to the settlement in Diana, Lewis county, and expend the highway

tax in said road district as they deem best for the interest of the State in laying out and constructing said road.

* * * * *

CHAPTER 252, LAWS OF 1870.

AN ACT to amend chapter four hundred and fourteen, laws of eighteen hundred and sixty-three being an act in relation to the construction of the Colton and Long Lake road.

Sec. 3. Township number nine of great lot number two, Macomb's purchase, in St. Lawrence county, is hereby constituted part of the road district of said Colton and Long Lake road; and townships numbers eight and twelve are hereby constituted part of the road district of the town of Hopkinton in said county; and the east half of township number eleven of said great lot is hereby constituted part of the road district of Parishville in said county, and all highway taxes paid or collected therein shall become highway moneys of said towns respectively, to be expended by the highway commissioners thereof in constructing or repairing roads and bridges.

CHAPTER 624, LAWS OF 1870.

AN ACT to lay out and construct a road from Creek Center, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton.

Sec. 1. So much of the non-resident lands of the Great Dartmouth patent, as lie in the town of Stony Creek, great lots one, two, three and five; also lots numbers eight to twenty-three, inclusive, of the rear division of Palmer's purchase, and great lots numbers one, two and three; also lots twenty-nine to thirty-seven, of the middle division of Palmer's purchase, in the county of Warren, are hereby constituted a road district for the term of seven years, for the purpose of laying out, constructing and maintaining a road from the village of Creek Center, in the county of Warren, by the most direct and judicious route, to the village of Pickleville in the town of Wells, in the county of Hamilton.

* * * * *

CHAPTER 640, LAWS OF 1870.

AN ACT authorizing the construction of a highway from Chateaugay lake to Saranac and branches.

Sec. 1. The non-resident lands described as follows, to wit: The three northerly tiers of lots in township number four, old military tract, Clinton county, except the two easterly lots in each of said tiers; the six southerly tiers of lots in the west two-thirds of township number five, old military tract, Clinton county, and the lots in the northeast one-quarter of township number nine, old military tract, Franklin county, are hereby constituted a road district, under commissioners appointed as hereinafter provided, who shall possess all the rights, powers and privileges of town commissioners of highways in this State; and they are hereby authorized to lay out and construct, in such manner as to best develop and benefit the lands in said district, a highway from Chateaugay lake to some highway in Saranac, leading to the Saranac river, and a branch or branches thereof leading to the Ogdensburg and Lake Champlain railroad.

* * * * *

CHAPTER 732, LAWS OF 1871.

AN ACT to amend section three of chapter seven hundred and sixty-six of the Laws of eighteen hundred and seventy, entitled "An act to improve and keep in repair the highway from Wilmington to North Elba, in the county of Essex."

Sec. 3. Lots number twenty-four to fifty-nine inclusive in Jay tract; lots number twenty-four to fifty-eight inclusive in townships one and two in old military tract; the non-resident lots in that part of township twelve, old military tract surveyed by Thorn, and all the non-resident lots in township eleven, old military tract; and lots number one, two, five and six in Whiteface Mountain tract, shall be included in said road district, and the commissioners named in this act shall have power to alter the location of parts of said road so as to improve the same as they may deem best.

CHAPTER 333, LAWS OF 1872.

AN ACT authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township number twenty-five in Franklin county.

Sec. 1. The lands of non-resident owners described as follows, to wit: Townships number two, Atherton; five, Jamestown; six, Pearcefield; nine, Kildare and the south half of Hollywood, part of great tract number two Macomb's purchase and county of St. Lawrence is hereby constituted a road district, to be under the jurisdiction of the commissioners hereafter appointed and provided for, who shall in said district possess and exercise all the rights, powers and privileges of town commissioners of highways in this State; and they are hereby authorized to lay out, construct and maintain in such manner as best to develop and benefit the lands in said district, a highway from some point in the north line of said township of Hollywood, in St. Lawrence county, into and through the said township of Jamestown, Pearcefield or Atherton, and said township number twenty-two and into said township number twenty-five.

* * * * *

Sec. 5. This act shall take effect immediately, and shall remain in force, and said taxes are hereby appropriated, for five years from this date; and all acts and parts of acts inconsistent with this act, shall be deemed not to apply to said road district.

CHAPTER 448, LAWS OF 1872.

AN ACT to revive and amend an act entitled "An act to construct a road from Carthage, in Jefferson county, to Lake Champlain in the county of Essex," passed April fourteenth, eighteen hundred and forty-one.

Sec. 1. Luther B. Richardson of Lowville, Edward E. Brown and Stephen R. Pratt of Carthage, are hereby appointed commissioners to lay out and construct a road from a point where the old road leading from Watson to number four in Brown's tract intersects the eastern boundary of the town of New Bre-

men, being near Crystal Lake, thence eastward, passing through the settlement on township number four of Brown's tract, and intersecting the west line of Essex county at or near the point where the same is intersected by the old Cedar Point road, and thence upon the most direct and feasible route to Lake Champlain in the town of Crown Point, or in the town of Moriah. Wherever said road has heretofore been laid out or constructed, said commissioners are authorized to construct or repair and keep the same in repair; said commissioners are also authorized to alter any part of said road that may be laid out, if a better route can be secured thereby.

Sec. 3. Section two of said act is amended to read as follows:

Sec. 2. The powers conferred upon commissioners of highways of the several towns of this State under the laws thereof, are hereby conferred upon the commissioners above named for the period of five years from the next annual meeting of the board of supervisors of the several counties affected by this act, over a district of country ten miles in width upon each side of said road, except so much of said district as will lie without a line running from the point of termination of the road at an angle of forty-five degrees with the general course of the same to the out bounds of said district; and also excepting that the provisions of this act shall not apply to any lands in St. Lawrence or Franklin counties, and that said tax shall be levied only on the lands in the counties in which said road shall be or is laid, but nothing in this act shall be construed to apply to any other than non-resident lands.

* * * * *

CHAPTER 694, LAWS OF 1872.

AN ACT making an appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot, in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles.

Sec. 1. The sum of two thousand dollars is hereby appropriated out of any moneys in the treasury, belonging to the general

fund not otherwise appropriated, for the purpose of improving the wagon road leading westerly from the Adirondack railroad depot, in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles;

* * * * *

CHAPTER 790, LAWS OF 1872.

AN ACT to establish a special road district and appropriate the highway taxes on the non-resident lands therein for the constructing of a road from Blood's hotel to Tupper's Lake, Franklin county.

Sec. 1. Van Buren Miller, of Harriestown, Virgil C. Bartlett, of Brandon, and William D. Lennon, of Franklin, Franklin county, are hereby appointed commissioners to lay out and construct a highway from Blood's hotel, in Harriestown, to Tupper's Lake, in Franklin county. * * *

Sec. 2. All non-resident lands in townships numbers twenty-seven, twenty-five, twenty-six, twenty-two and twenty-three, in Macomb's purchase in great tract one, in Franklin county; and townships twenty-eight, forty-seven, and fifty, and townships twenty-two, twenty-three and thirty-seven, in Totten and Crossfield's purchase, are hereby constituted a road district under commissioners appointed as provided in the first section of this act, and they and their successors in office shall possess all the privileges, rights and powers of town commissioners of highways in this State, and they are hereby authorized to lay out and construct a highway from Blood's hotel in Harriestown, Franklin county, to Tupper's lake, and use the highway taxes assessed upon non-resident lands in said road district, for the purpose of building said highway and defraying the necessary expenses attending the same.

* * * * *

Sec. 6. This act shall take effect immediately and shall remain in force, and said taxes are hereby appropriated, for ten

years from this date, and all acts or parts of acts inconsistent with this act, shall be deemed not to apply to said road district.

CHAPTER 795, LAWS OF 1872.

AN ACT authorizing the formation of a separate road district in the county of Essex.

Sec. 1. All that part of the town of Jay, in the county of Essex, lying south of the north line of lots number one hundred and thirty-four, one hundred and thirty-one, 140, and 141, in Essex tract; lots 156, 158, 159, 160, 169, 170, 171, 173, 174, in the town of Elizabethtown, in the same tract; lots 144, 145, 146, 147, 150, 151, 152, 153, 157, in said tract, in the town of Lewis, in said county of Essex; and lots 179, 180, 181, 182, 183, 185, 186, 187, 189, 190, 191, 192, 193, 194, in said tract, in the town of Keene, in the county of Essex, is hereby constituted a separate road district.

Sec. 2. Seth Johnson, in the town of Jay, Essex county, Richmond L. Hand, in the town of Elizabethtown, and Charles Holt, in the town of Keene, in the said county of Essex, are hereby appointed and constituted commissioners to lay out and construct a road from the northerly to the southerly boundaries of said road district, so as to connect with public highways, and they and their successors in office shall have all the powers of town commissioners of highways in this State.

Sec. 3. The commissioners of highways of the towns of Jay, Keene, Lewis and Elizabethtown shall annually assess all the lands embraced in said road district the usual highway taxes in the same manner as such taxes are assessed and charged upon the lands in their respective towns, which taxes shall be paid to the commissioners under this act, for the purpose of laying out, opening, working and keeping in repair the said road. * *.

* * * * *

CHAPTER 118, LAWS OF 1873.

AN ACT to provide for the construction and improvement of the road from Piseco lake to Claflin's tannery, in the county of Hamilton.

Sec. 1. So much of the Lawrence and Ox-bow tracts and townships eight, nine and ten of the Moose river tract as lies in the town of Arrietta are hereby constituted a road district. William McEchron is hereby appointed commissioner to expend the highway tax in said road district.

Sec. 2. The non-resident highway tax assessed upon the above tracts of land is hereby appropriated for the purposes of this act. The Comptroller shall pay over to the commissioner appointed by this act, or to his order, all such unpaid non-resident highway taxes assessed upon such lands in the year eighteen hundred and seventy-two, as may be returned to and admitted by him, and shall hereafter pay to said commissioner, or to his order, all such unpaid non-resident highway taxes assessed upon such lands for the term of five years as may be returned to and admitted by him. The said commissioner shall expend the highway tax assessed, returned and admitted as above, upon the road extending from the foot of Piseco lake to Claflin's tannery, in the town of Benson, with power to lay out and make such alterations as he may think necessary.

* * * * *

CHAPTER 504, LAWS OF 1873.

AN ACT in relation to a certain highway in the county of Hamilton, appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto.

Sec. 1. William L. Ostrander of the town of Hope, Jacob McIntyre of the town of Wells, and Silas Call of the town of Lake Pleasant, are hereby appointed commissioners, whose duty it shall be to carry out the provisions of this act, and they shall

have all the powers that highway commissioners of towns possess, and the proceedings taken by them shall have the same force and effect as such proceedings taken by highway commissioners now have by law.

Sec. 2. The present highway from the south line of the farm formerly occupied by George Cole, in the town of Hope, to the foot of Lake Pleasant in the town of Lake Pleasant, is hereby constituted a road district, for the purposes of this act, subject to the qualifications of this act contained.

Sec. 3. The non-resident highway tax assessed in the town of Hope, the non-resident highway tax assessed in the town of Wells, except townships number thirty-one, eight, ten and twenty-nine of Totten and Crossfield's purchase, and the non-resident highway tax assessed on lots in Benson township, from lot number one hundred and seventy-one to lot number three hundred and thirty, inclusive, are hereby appropriated for the purpose of this act, * * *, and the comptroller shall also pay to the said commissioners as soon as they shall have filed the bonds required by this act, the sum of six hundred and twenty-nine dollars and ninety-four cents, that being the amount appropriated to the same road by chapter five hundred and seven of the laws of eighteen hundred and sixty-seven entitled "An act in relation to a certain highway, and certain highway taxes in the county of Hamilton," passed April twenty-second, eighteen hundred and sixty-seven, and by subsequent acts supplementary and amendatory thereof, but if any of the non-resident highway taxes for the year eighteen hundred and seventy-two, upon any of the lands mentioned in this section, have been appropriated by any law now in force, the Comptroller shall not be required to pay such taxes to the said commissioners.

* * * * *

Sec. 5. The said commissioners appointed by this act shall, out of the moneys received by them as aforesaid, proceed to complete that portion of said road from the eastern terminus thereof, namely: on the south side of the farm formerly occu-

pied by Orva Brownell, and now occupied by George Cole, as located in the year eighteen hundred and sixty-seven by the commissioners appointed under chapter five hundred and seven of the laws of eighteen hundred and sixty-seven, and under their direction, so as to strike the present road near the spot where the dwelling house occupied by David Stickney stood in the year eighteen hundred and sixty-seven. * * *.

* * * * *

Sec. 10. Chapter five hundred and seven, Laws of eighteen hundred and sixty-seven, and chapter seven hundred and twenty-two of the laws of eighteen hundred and sixty-eight are hereby repealed, except so far as may be required for the purposes of this act.

* * * * *

CHAPTER 286, LAWS OF 1875.

AN ACT to amend chapter four hundred and ninety of the laws of eighteen hundred and seventy-four, entitled "An act to amend chapter five hundred and four of the laws of eighteen hundred and seventy-three, entitled, 'An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto.'"

Sec. 2. Section three of said act is hereby amended so as to read as follows:

Sec. 3. All non-resident highway taxes, admitted by the Comptroller from the accounts of non-resident unpaid taxes, returned to him for the years eighteen hundred and seventy-four, eighteen hundred and seventy-five and eighteen hundred and seventy-six, on the following lands, namely: All in the town of Hope; all in the town of Lake Pleasant, excepting so much of townships number six, seven, and eight of Totten and Crossfield's purchase as lie in that town; all in the town of Wells, excepting so much of township number thirty-one of Totten and Crossfield's purchase as lies in that town; all of townships number seven, eight, nine, and ten of Moose River

tract lying in the town of Morehouse, and all the lots in Benson township, from lot number one hundred and seventy-one to lot number three hundred and thirty, both inclusive, are hereby appropriated for the purposes of this act, and the Comptroller of the State is hereby authorized and required to pay to the said commissioners, or any two of them, a sum equal to the amount of such admitted taxes, on or before the first day of September in each and every year following the year wherein such taxes were levied and assessed; but he shall not be required to pay such moneys to such commissioners until the report required by this act shall have been filed in his office.

CHAPTER 516, LAWS OF 1874.

AN ACT to authorize the construction of a road from the road owned by the State near Chazy Lake to Chateaugay Lake.

Sec. 1. The commissioners herein after named shall, upon giving the security herein provided, proceed to locate a direct and suitable route for a highway, from the plank-road of the State at Chazy Lake to some point upon Chateaugay Lake, and cause a map and survey of such road to be made, which map shall designate what lots, pieces or parcels of land lie within three miles on either side of said road, and shall deposit a copy of such map in the office of the comptroller of this State. Upon making and filing such map, and the approval thereof by such comptroller, said commissioners shall proceed to construct such road, and shall determine what kind of a highway shall be built, and if they shall deem it best, may let said road to be built by contract.

Sec. 2. There shall be imposed by the comptroller a specific tax per acre, on each and every acre of land lying situated upon each side of said road, as follows: Within a distance of one mile from said road, fifty cents per each and every acre of said land; within a distance exceeding one mile and less than two miles, twenty-five cents per each and every acre of land; within a distance exceeding two miles and less than three miles, fifteen cents for each and every acre of land. Such specific tax

shall be assessed, levied and collected in the usual manner prescribed by law for raising state taxes, and shall be paid into the state treasury by the county treasurer of Clinton county, for the special purpose of reimbursing the moneys expended under section one of this act.

* * * * *

CHAPTER 436, LAWS OF 1875.

AN ACT to declare a road in Clinton county a public highway.

Sec. 1. The commissioners or commissioner of highways in the towns of Dannemora, Altona and Ellenburgh, in Clinton county, are hereby authorized and empowered to lay out and establish, as a public highway in said towns, the road leading from Clinton State prison to Ellenburgh depot, on the Ogdensburg and Lake Champlain railroad.

Sec. 2. The said highway shall be laid out and established by the commissioners aforesaid in the manner and subject to the regulations now prescribed by law.

CHAPTER 386, LAWS OF 1879.

Sec. 1. The act entitled "An act to establish a special road district and appropriate the highway taxes on the non-resident lands therein for the construction of a road from Blood's hotel to Tupper's lake, Franklin county," passed May twenty-first, eighteen hundred and seventy-two, being chapter seven hundred and ninety of the laws of eighteen hundred and seventy-two, and the acts amendatory thereof, passed April twenty-ninth, eighteen hundred and seventy-five, are hereby repealed.

* * * * *

PART VI.

LAWS ERECTING COUNTIES AND DEFINING THE BOUNDARIES OF
CERTAIN TOWNS.

Laws Erecting Counties and Defining the Boundaries of Certain Towns.

CHAPTER 50, LAWS OF 1780.

AN ACT to ascertain the division line between the district of Halfmoon and the west district of Rensselaerwyck and for dividing Mohawk district in the county of Tryon into two districts.

And whereas many inconveniences arise to the inhabitants of Mohawk district in the county of Tryon from the said district being too extensive.

Be it therefore enacted by the authority aforesaid, That that part of the said district which is on the south side of the Mohawk river shall be a separate and distinct district and continue to be called Mohawk district, and that the remaining part of the said district shall henceforth be another separate and distinct district and be called and known by the name of Caughnawaga district. * * *

CHAPTER 17, LAWS OF 1784.

AN ACT to alter the names of the counties of Tryon and Charlotte.

Be it enacted * * * That from and after the passing of this act, the county of Tryon shall be called and known by the name of Montgomery, and the county of Charlotte shall be called and known by the name of the county of Washington.

* * * * *

CHAPTER 63, LAWS OF 1788.

AN ACT for dividing this State into counties.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the

authority of the same, That the State of New York shall be and hereby is divided into sixteen counties, to be called by the names of New York, Albany, Suffolk, Queens, Kings, Richmond, West Chester, Orange, Ulster, Dutchess, Columbia, Washington, Clinton, Montgomery, Cumberland, and Gloucester,

And be it etc., That the bounds and limits of the said several counties shall be as follows;

* * * * *

The county of Albany to contain all that part of this State beginning at the most northerly end or part of Wanton island in Hudsons river, and running from thence to the head of Kaaters creek or kill, where the same issues out of the southerly side or end of a certain lake or pond lying in the Blue mountains; from thence to a small lake called Utsayantho, and thence north twenty-five degrees east east until it intersects a west line drawn from the northwest corner of old Schoharie patent, thence east to the northeast corner of the said Schoharie patent, thence to the northwest corner of the township of Duanesburgh, thence, along the north bounds thereof to the northeast corner of the same, thence on the same course with the said north bounds of Duanesburgh to the Mohawk river, thence north until it intersects a west line drawn from Fort George near Lake George, thence east to the east side of the most easterly branch of Hudsons river, thence down along the middle of the said branch of Hudsons river to Batten creek, thence up along the middle of the said creek until it intersects the south bounds of a patent called Princetown, thence along the same to the south-east corner thereof, thence east to the west bounds of the county of Cumberland, thence southerly along the same to the north boundary of Massachusetts, thence along the same westerly and southerly to the north bounds of the county of Columbia, which is an east line from the southermost part of Bearen island in Hudsons river, and thence along the bounds of the county of Columbia, west to Hudsons river, and thence continuing the same course to the middle of the river, and thence down the middle of the river until it comes due east from the north end

of Wanton island aforesaid, and thence to the place of beginning including Bearen island aforesaid.

* * * * *

The county of Washington to contain all that part of this State bounded southerly by the county of Albany, easterly by the counties of Cumberland and Gloucester, northerly by a line beginning at the most northerly point of the rock commonly called Roger's Rock, situate on the west side of Lake George, and thence due west to the county of Montgomery, and running also from the said rock due east to the west bounds of the county of Gloucester; and westerly by the counties of Albany and Montgomery.

The said county of Clinton to contain all that part of this State bounded northerly by the north bounds of this State, easterly by the county of Gloucester, southerly by the county of Washington, and westerly by the easterly line of the county of Montgomery, which is the line of the county of Albany that runs north from the Mohawk river, continued to the north bounds of this State.

And the county of Montgomery to contain all that part of this State bounded easterly by the counties of Ulster, Albany, Washington and Clinton, southerly by the State of Pennsylvania, and westerly and northerly by the west and north bounds of this State.

* * * * *

CHAPTER 48, LAWS OF 1789.

AN ACT for erecting a town by the name of Middletown, and to alter the bounds of the township of Rochester and Woodstock, in the county of Ulster, and for erecting a town by the name of Easton, to alter the bonds of the towns of Schenectady, Half-moon and Balls-town in the county of Albany, and for other purposes therein mentioned.

* * * * *

Be it enacted, * * * * * That the line of division between the towns of Schenectady, Half-moon and Balls-Town, shall from and after the first day of April next, be a line

beginning at the southwest corner of Saraghtoga district, and running thence west to the Long lake, thence along the said lake to the south end thereof, thence south, fifty three degrees west, one hundred and eighty chains, thence north to the north-eastermost corner of the south allotment of the tract of land commonly called the Kayaderosseras patent, thence along the south and southwestermost bounds of the said allotment, to the east bounds of the county of Montgomery, and that all that part of the towns of Schenectady and Half-Moon, lying to the northward and eastward of the said line shall be annexed to and remain as part of the town of Balls-Town.

* * * *

CHAPTER 10, LAWS OF 1791.

AN ACT for dividing the county of Montgomery.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,

* * * *

And be it etc., That all that part of the said county of Montgomery, beginning at the southeast corner of the town of Mohawk and running from thence along the southerly bounds thereof, and along the northerly bounds of the said county of Otsego to the town of German Flatts, then northerly along the town of German Flatts and the town of Herkemer to a tract of land called Jersey Field, then along the same southeasterly and northeasterly to the easterly corner thereof, then due east to the county of Saratoga, and then southerly along the counties of Saratoga and Albany to the place of beginning shall continue and remain a separate county and be called and known by the name of Montgomery.

And be it etc., That all that tract of land bounded westerly by the county of Ontario, northerly by the north bounds of this State, easterly by the counties of Clinton, Washington and Saratoga, and southerly by the counties of Montgomery, Otsego and Tioga, shall be and hereby is erected into a separate county, and shall be called and known by the name of Herkemer.

* * * *

And be it etc., That all those parts of the towns of Palatine and Caughnawaga which are included in the said county of Herkimer shall be, and hereby are annexed to the town of Herkimer in the same county.

* * * * *

CHAPTER 74, LAWS OF 1797.

AN ACT to ascertain and alter the line of division between the counties of Montgomery and Herkimer.

Whereas inconveniences have resulted to the inhabitants of the counties of Montgomery and Herkimer by reason of there being no definite point designated by law, where the line of division between the said counties should intersect the Mohawk river. Therefore.

Be it enacted, That the said line of division shall commence at a certain post erected at the northwest corner of the town of Springfield in the county of Otsego, thence a direct course or line drawn to the east end of the easternmost lock of the canal on the north side of the Mohawk river at the little falls, thence north agreeable to the magnetic direction of the needle, in the year one thousand seven hundred and seventy two to the southerly line of a trace of land called Jerseyfield, from thence a direct course to strike the line of division between two certain tracts of land, the one known and distinguished by the name of Nobleborough, and the other by the name of Arthurborough, thence along the said line of division to the northerly bounds thereof, thence a north course to the north bounds of this State. Provided that it shall not be necessary for the surveyor general of this State, to run and survey the said division line between the said counties any farther northerly than to the said tract of Nobleborough.

And be it etc., That all that part of the county of Herkimer lying eastward of the aforesaid line, shall be and hereby is annexed to the county of Montgomery, any law to the contrary notwithstanding.

And be it etc., That the inhabitants residing thereon shall be considered as belonging to the several towns in the county

of Montgomery which lye directly south of and adjoining thereto and which towns in Montgomery shall extend northerly so as to include all that tract now annexed to the county of Montgomery.

CHAPTER 90, LAWS OF 1798.

AN ACT to ascertain the boundary line between Queensbury and Westfield.

Be it enacted, That a line beginning at the north west corner of the town of Kingsbury and running in the direction of Kingsbury west bounds till it strikes the waters of Lake George shall be the division line between the said town of Westfield and the town of Queensbury; and that it is hereby made the duty of the supervisors of the said towns of Westfield and Queensbury at the joint expense of said towns to cause the said line to be surveyed and marked, as soon as may be after the passing of this act.

CHAPTER 31, LAWS OF 1798.

AN ACT to divide the counties of Herkimer & Tioga.

Be it enacted by the People of the State of New York represented in Senate and Assembly That all that part of the counties of Herkimer & Tioga including within the following bounds to wit, beginning at the south east corner of the county of Onondaga thence a direct course to the confluence of the Toughnioga & Chenango rivers, thence up the last mentioned river to the north west corner of a tract of land granted to John Fay & others, thence along the north bounds thereof and the same line continued until it meets the west line of Clinton township, thence along the same south to the most north westerly corner of the town of Warren, thence easterly on the division line between the said townships of Clinton & Warren to the line of property, thence northerly along the west bounds of the counties of Delaware and Otsego to the town of Bridgewater in Herkimer county, thence on the southerly & westerly line thereof to the north bounds of the twenty towns so called,

thence along the same westerly to the southwest corner of lot number fifty in the first allotment of a tract of land called New Petersborough, thence northerly on the west line of said lot number fifty and sixty nine to the south line of New Stockbridge, thence the shortest line to the main branch of the Oneida creek thence northerly down said creek to the Oneida lake, thence westerly along the southerly shore of the Oneida lake to the county of Onondaga, thence southerly along the said county of Onondaga to the place of beginning shall be a separate county by the name of Chenango.

And be it further enacted That all part of Herkimer county beginning at the south west corner of the town of Bridgewater and running thence east on the line of said town to Unadilla river, thence northerly and easterly on the line of Bridgewater to the town of Litchfield, thence north on the line of Bridgewater & Litchfield to the south east corner of the town of Paris, thence the same line continued on the east line of Paris & Whitestown to the southerly line of Crosbys Manor; thence north easterly a direct line to the northerly bounds of said Cosbys Manor at a point where the same is intersected by the division line between Gages & Waltons patents; thence northerly on the line between the said Waltons & Gages Patent to the West Canada creek; thence northerly up the waters of said creek to the forks hereof; thence easterly up the east branch of said creek to the north east corner of Services patent, thence north to the north bounds of this State, thence westerly along the north bounds of this State to Lake Ontario thence along the easterly shore of said lake to the mouth of the Oswego river, thence easterly up said river to the Oneida lake thence along the south side of said lake to the Oneida creek, thence up said creek on the east line of the county of Chenango to the north line of the town of Hamilton & Sangerfield to the north west corner of the town of Bridgewater, thence southerly on the west line of said town of Bridgewater to the place of beginning shall be and hereby is erected into a separate county by the name of Oneida.

And be it etc., That all the remaining part of the county of Herkimer shall be and remain a separate county by the name of Herkimer, and that the courts of common pleas and general sessions of the peace shall in future be holden at the court house in the town of Herkimer, any former law to the contrary hereof notwithstanding.

* * * * *

And be it further enacted That all that part of the town of Norway included in the county of Oneida shall be & hereby is erected into a separate town by the name of Remsen * * * .

And be further enacted That all the remaining part of Norway included in the county of Herkimer shall be and remain a separate town by the name of Norway * * * .

* * * * *

CHAPTER 24, LAWS OF 1799.

AN ACT to divide the county of Clinton.

Be it enacted by the People of the State of New York represented in Senate and Assembly That all that part of the county of Clinton lying south of a line beginning at the southwest corner of the town of Peru, and running from thence easterly along the south line of said town until it intersects the great River Au-Sable, from thence down the said river along the north bank thereof, until it comes to the forks of said river, and from thence along the north bank of the south branch of said river until it strikes Lake Champlain, and from thence due east to the east bounds of the State of New York, shall be and hereby is set off and erected into a new county by the name of Essex; And the free holders and inhabitants of the said county shall have and enjoy within the same, all and singular the rights powers and privileges, as the freeholders and inhabitants of the other counties within this State are by law entitled to have and enjoy.

And be it further enacted, That all the remaining part of the said county shall be and continue a separate county by the name of Clinton.

* * * * *

CHAPTER 123, LAWS OF 1801.

AN ACT to divide this State into counties.

* * * * *

The county of Washington to contain all that part of this State, bounded southerly by the county of Rensselaer; easterly by the east bounds of this State; northerly by a due west line, drawn from the east bounds of this State so as to strike the most northerly point of the rock, commonly called Rogers rock, situate on the west side of Lake George, continued due west until it intersects a line drawn from the Mohawk river, where the north east corner of the tract of land, granted by letters patent to George Ingoldsby and others, touches the said river, north one degree and twenty five minutes west, as the same has been lately run by order of the surveyor general; westerly by the line last mentioned, until it intersects a west line drawn from Fort George near Lake George, and by the line last mentioned until it strikes the north branch of Hudson's river, and by the middle of the said branch and of the main stream of said river, until it meets the north bounds of the county of Rensselaer, with such variations as to include all islands, lying nearest to the east bank of said river.

The county of Saratoga to contain all that part of this State, bounded southerly by the county of Albany; easterly by the counties of Rensselaer and Washington; northerly, by the county of Washington, and westerly by a line drawn from Mohawk river, where the north east corner of the tract of land, granted by letters patent to George Ingoldsby and others, touches the said river, north one degree and twenty five minutes west.

The county of Essex to contain all that part of this State, bounded southerly by the county of Washington; easterly by the east bounds of this State; westerly by the west line of the counties of Saratoga and Washington, continued to a point opposite to the south line of a tract of three thousand six hundred acres of land granted to Matthew Adgate; northerly by a line drawn east from the said point, to the south line aforesaid until it intersects the great river Ausable; thence by the said

river along the north bank thereof, to the forks of said river, thence by the south branch of said river along the north bank thereof, to Lake Champlain, and thence by a due east line to the east bounds of this State.

The county of Clinton to contain all that part of this State, bounded southerly by the county of Essex and Totten and Crossfields purchase; easterly by the east bounds of this State; northerly by the north bounds of this State; and westerly by the west bounds of this State and the division line between great lots number three and number four of Macombs purchase continued to the west bounds of this State. * * *

The county of Montgomery to contain all that part of this State, bounded easterly by part of the west bounds of the county of Albany and by the west bounds of the counties of Saratoga, Washington, and Essex, northerly by the county of Clinton, southerly by a line drawn from the north east corner of the tract of land, granted by letters patent to George Ingoldsby and others, on the Mohawk river, and running thence south westerly along the county of Albany, to the south bounds of a patent formerly granted to John Bowen; thence south westerly along the same, to the tract known by the name of the old Schoharie patent; thence west along a line heretofore run as part of the northern boundary of the former county of Albany, to a place where the same is intersected by a line drawn north twenty-five degrees east from a lake called Utsayantho; thence westerly to the south east corner of a tract of land formerly granted to William Cosby, thence westerly along the same and along a tract of land formerly granted to John Lyne, to the south west corner thereof; thence along the northern bounds of the county of Otsego, to a line run from the Little Falls on the Mohawk river, to the head waters of Lake Otsego; westerly by a straight line drawn from thence, to the east end of the easternmost lock of the canal, on the north side of the Mohawk river, at the Little Falls; thence north as the magnetic needle pointed in the year one thousand seven hundred and seventy two, to the southerly line of a tract of land called Jerseyfield; from thence a direct course to strike the line of

division between two certain tracts of land, the one known by the name of Nobleborough, and the other by the name of Arthurborough; thence along the said line of division to the northerly bounds of the said tracts; thence a north course to the north bounds of this State.

The county of Herkimer to contain all that part of this State, bounded easterly by the county of Montgomery and part of the county of Otsego, southerly by the county of Otsego, westerly by a line beginning in the south bounds of the patent granted to William Bayard and others, called the Free Masons patent, where the same is intersected by a line run south from the former fording place in the Mohawk river at Old Fort Schuyler, now called Utica; thence north along said line to the southerly line of Cosby's manor; thence north easterly a direct line to the northerly bounds of said Cosby's manor, at a point where the same is intersected by the division line between Gage's and Walton's patents, thence northerly on the line between the said Walton's and Gage's patents, to the West Canada creek; thence northerly up the waters of said creek to the forks thereof; thence easterly up the east branch of said creek, to the north east corner of Service's patent; thence north to the county of Clinton and northerly by the county of Clinton.

* * * * *

The county of Oneida to contain all that part of this State, bounded easterly by the county of Herkimer; northerly by the county of Clinton and by the north bounds of this State, from the most westerly corner of the county of Clinton to a place in Lake Ontario where the said north bounds shall be intersected by the new pre-emption line aforesaid, continued due north; westerly by the line last mentioned to the south bank of Lake Ontario, and southerly by the counties of Cayuga, Onondaga and Chenango, and the south bounds of the patent granted to William Baynard and others, called the Freemasons patent.

* * * * *

Boundaries of Essex, Clinton, Franklin, and St. Lawrence Counties. Revised Statutes, (1876) Vol. 1, page 223.

distinguished on the map aforesaid, by the townships of Madrid and Potsdam, shall be and hereby is erected into a town by the name of Madrid; and the first town meeting in the said town shall be held at the house of Joseph Edsell: And that all the remaining part of the said county shall be and hereby is erected into a town by the name of Massena; * * * .

* * * * *

And be it further enacted, That all the residue of the tract of land lying between the division lines aforesaid of great lots number three and four, and of great lots number one and two, in Macomb's purchase and the north bounds of Totten and Crossfield's purchase, shall until further legislative provision in the premises, be considered as part of the town of Massena, in the said county of St. Lawrence: And all that part of Macomb's purchase, included in great division number one, and the Indian reservation at the St. Regis village, shall be annexed to and form part of the town of Chateaugay, in the county of Clinton.

* * * * *

CHAPTER 51, LAWS OF 1805.

AN ACT to erect part of the county of Oneida into two separate counties by the names of Jefferson and Lewis, and for other purposes.

* * * * *

And be it further enacted, That all that part of the said county of Oneida, contained within the following bounds, to wit: Beginning at the south-east corner of the county of Jefferson aforesaid, thence southerly, on the westerly line of the town of Turin, to the south-west corner thereof; thence easterly, along the south line of said town, to the south-east corner thereof; thence north, sixty-two degrees east; along the southerly line of the tract of land known by the name of Macomb's purchase, to the line of the county of Herkimer; thence north, along the said last mentioned line to the bounds of the county of St. Lawrence; thence along the south-westerly line of the said last mentioned county to the line of the said county of

Jefferson, and thence along the southerly and easterly bounds thereof to the place of beginning, shall be and hereby is erected into a separate county by the name of Lewis.

* * * * *

And be it further enacted, That all that part of the town of Leyden remaining in the county of Oneida, shall be and remain a separate town by the name of Boonsville, * * * and all the remaining part of the town of Leyden, which is comprised within the bounds of the county of Lewis, shall be and remain a town by the name of Leyden, * * * .

* * * * *

CHAPTER 90, LAWS OF 1807.

AN ACT relative to the boundaries or division line of certain counties and towns within this State.

Whereas the boundary or division line between certain towns and counties in this state consists of a creek or river, and doubts have been entertained how far into such river or creek every such county or town respectively extend, and much inconvenience has resulted therefrom. Therefore,

Be it enacted, That where any counties or towns in this state, are separated from each other by a river or creek, in every such case the middle of the channel of the river or creek shall be and hereby is declared to be the division line between them.

CHAPTER 43, LAWS OF 1808.

AN ACT to divide the county of Clinton, and for other purposes.

Be it enacted by the people of the state of New York, represented in Senate and Assembly, That all that part of the county of Clinton, lying west of a line beginning in the line of said county of Clinton, between number six and seven of the old military townships, and running from thence southerly, along the east line of number seven, eight, nine, ten and eleven, of the old military townships aforesaid, to the north line of the county of Essex, shall be and is hereby erected into a separate county, by the name of Franklin; and the residue of said county

the county of Montgomery northerly, to the south bounds of the county of Warren; thence along the same until a course of south thirty degrees and forty minutes east will intersect the east bounds of lot number fifty-one, in Palmer's purchase; thence along the said east bounds of the said lot number fifty-one, to the Sacandaga river; thence on a course that will strike the east bounds of lot number three, in the subdivision of the twenty-fourth allotment of the Kayaderosseras patent; thence along the said east bounds to the town of Corinth; thence along the said town of Corinth, to the west corner thereof, and from thence to the place of beginning.

CHAPTER 92, LAWS OF 1822.

AN ACT in relation to the dividing line between the counties of Clinton and Essex, and for other purposes.

I. Be it enacted, That from and after the passing of this act, the county of Essex shall contain all that part of this state bounded southerly by the counties of Washington and Warren, easterly by the east bounds of this state, westerly by the west line of the counties of Saratoga and Warren, continued to Macomb's purchase, thence along the south bounds thereof, to the south-east corner thereof, and thence along the east bounds thereof, to the north-west corner of township number eleven, of the old military tract, thence east along the north bounds thereof, and the north bounds of township number two, to the north-east corner thereof, thence south along the line of the old military tract, to the middle of the channel of the north branch of the Great River Ausable, thence down the middle of the channel thereof, to the upper forks of said river, thence down the middle of the channel of said river to the south line of the Great Location, thence easterly on said line to lake Champlain, thence east to the east bounds of this state.

II. And be it further enacted, That all those parts of the counties of Clinton and Franklin, which are by this act taken into the county of Essex, lying east of the west bounds of lots

number seventy-four, and one hundred fifty-two, in the Jay tract, are hereby annexed to the town of Jay, and all those parts lying west of said lots are hereby annexed to the town of Danville, and all that part of the county of Essex, by this act taken into the county of Clinton, is hereby annexed to the town of Peru.

III. And be it further enacted, That the name of the aforesaid town of Danville, in the county of Essex, be and the same is hereby altered to the name of Wilmington.

CHAPTER 46, LAWS OF 1842.

AN ACT to establish the old line between the towns of Mayfield and Northampton, in the county of Fulton.

Sec. 1. The old division line between the towns of Mayfield and Northampton, in the county of Fulton, as held and recognized by said towns, previous to the first day of January, eighteen hundred and thirty-eight, is hereby established and declared the true division line between said towns, and each town shall hold the same territory, adjacent to the said line, they respectively held anterior to said date.

CHAPTER 131, LAWS OF 1845.

AN ACT for the relief of Joseph L. Harris.

Sec. 1. The surveyor-general is authorized to audit and allow the account of Joseph L. Harris, for services rendered and expenses incurred by him in surveying and locating the line of division and boundary between the counties of Essex and Warren, under the direction of the late surveyor-general of this state.

* * * * *

Sec. 3. The amount so to be paid shall be chargeable one half thereof to the county of Essex, and the other half to the county of Warren; * * *

* * * * *

CHAPTER 25, LAWS OF 1842.

AN ACT to repeal an act entitled "An act to establish the old line between the towns of Mayfield and Northampton, in the county of Fulton."

Sec. 1. The act entitled "An act to establish the old line between the towns of Mayfield and Northampton, in the county of Fulton," passed February 19th, 1842, is hereby repealed.

CHAPTER 169, LAWS OF 1852.

AN ACT to provide for surveying and permanently establishing the boundary line between the counties of Herkimer and Lewis, and making an appropriation therefor.

Sec. 1. The commissioners of the land office shall cause the boundary line between the counties of Herkimer and Lewis to be surveyed, permanently established, and plainly marked; said survey to be made as soon as in their judgment may be deemed practicable, the expense thereof to be paid by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury, not otherwise appropriated.

CHAPTER 419, LAWS OF 1852.

Mayfield and Northampton, Fulton county, town lines established.

At an annual meeting of the board of supervisors of the county of Fulton, held at the village of Johnstown, in said county, on the 30th day of November, 1849.

Present—Peter R. Simmons, Chairman; William Bonler, Garritt A. Newkirk, Philander H. Sprague, Elisha Bentley, Cyrus Stone, John McQueen, Jr., Morgan Norton, William Rood, Peter W. Plantz, Supervisors.

On motion,

"Resolved, That the application of the freeholders and inhabitants of the towns of Mayfield and Northampton for the re-establishment of the old division line between the said towns

of Mayfield and Northampton, in the county of Fulton, as held and recognized by said towns previous to the first day of January, eighteen hundred and thirty-eight, is hereby granted. And the board of supervisors of Fulton county hereby order and enact that the said line is hereby established and declared to be the true division line between said towns; and each town shall hold the same territory adjacent to the said line they respectively held anterior to said date. This act shall take effect on the fifteenth day of December, eighteen hundred and forty-nine."

PETER R. SIMMONS,

Chairman.

1). DeINTYRE STEWART,

Clerk of Board of Supervisors of Fulton County.

* * * * *

We hereby certify that the preceding is a correct copy of the proceedings of the board of supervisors of the county of Essex in relation to the setting off of the town of North Elba from the town of Keene, passed December 13, 1849.

M. FINCH,

Chairman of Board of Supervisors of Essex county.

RICH'D H. PEABODY,

Clerk.

CHAPTER 385, LAWS OF 1853.

AN ACT to define the boundaries between certain towns in the county of Essex.

Sec. 1. Joel F. Potter, Edward Talbot, and David Judd, all of the county of Essex, are hereby appointed commissioners and empowered to settle the boundary line between the towns of Schroon and Minerva, in said county; and they are authorized and required to meet at such time and place as a majority of them may appoint, on notice to the third, and proceed, by survey or otherwise, to settle the said boundary line between the said towns, and to designate the same, when agreed upon by a majority of their members, by proper metes and bounds, and shall file a description of such boundary with the town clerk

of each of said towns and in the clerk's office of the county, and in the office of the secretary of state.

Sec. 2. Wm. S. Merriam, Joseph Hoffnagle, and David Judd, all of said county, are hereby appointed commissioners and empowered to settle the boundary line between the towns of Willsborough and Lewis, in said county; and they are authorized and required to meet at such time and place as a majority of them may appoint, on notice to the third, and proceed, by survey or otherwise, to settle the boundary line between the said towns, and to designate the same, when agreed upon by a majority of their number, by proper metes and bounds, and shall file a description of such boundary with the town clerk of each of said towns and in the clerk's office of the county, and in the office of the secretary of state.

* * * * *

CHAPTER 811, LAWS OF 1857.

Survey of town line between the towns of Schroon and Minerva, Essex county, July eleventh, eighteen hundred and fifty-six.

Whereas; by an act passed by the legislature of the state of New York, June seventeenth, eighteen hundred and fifty-three, session laws chapter three hundred and eighty-five, entitled "An act to define the bounds of certain towns in the county of Essex," Joel T. Potter, Edward Talbot, and David Judd, all of the county of Essex, were appointed commissioners to fix and settle the boundary line between the town of Minerva and the town of Schroon, in said county; and whereas, by an act passed April fourteenth, eighteen hundred and fifty-five, session laws chapter five hundred and fifteen, the supervisor and justices of the peace of the town of Minerva were authorized to nominate and appoint a person to fill the vacancy in said commissioners occasioned by the decease of Edward Talbot, and the said supervisor and justice having appointed Aaron B. Olmstead, of said county, to fill said vacancy; now, therefore, we Joel F. Potter, Aaron B. Olmstead, and David Judd, having examined the prem-

ises and made and caused to be made necessary surveys, do fix and settle the line between the said towns of Schroon and Minerva as follows: commencing at a point in the line between the counties of Warren and Essex, six miles west from the west shore of Schroon lake, at a stone marked S M, being the point where "Baker's" line continued meets said county line, running thence north one degree and thirty minutes west, (north one degree and thirty minutes east, as the needle now points,) parallel to and twenty rods east of a line run by Joel F. Potter, esquire, in eighteen hundred and forty-eight, to the south line of the town of North Hudson; said line crosses the following lots, and leaves about the following portions in the following towns, viz.:

In the town of Schroon three hundred acres of lot number sixty-two in the gore north of the twenty-fourth township, Totten and Crossfield purchase, in the south part of twenty-fifth township same purchase, number fifty-one fifty acres, lot number sixty all, lot number fifty-nine one hundred acres, lot E of the Hoffman township, fifty acres, Lot D same tract, one hundred acres, lot one hundred and sixty-nine in tract west of road patent, sixty acres lot No. one hundred and sixty-eight, same tract, one hundred acres, one hundred and sixty-one sixty acres, one hundred and fifty-eight eighty acres, one hundred and forty-eight the whole, number six in the thirtieth township, Totten and Crossfield's purchase, twenty-five acres, number seven two hundred and fifty acres, number eight four hundred acres, number nine nine hundred and seventy-five acres, number sixteen twenty-five acres, number fifteen two hundred and fifty acres.

In the town of Minerva, in gore north of twenty-fourth township, Totten and Crossfield's purchase, lot number sixty-three one hundred and fifty acres, in south half of the twenty-fifth township, same purchase, lot number fifty-one one hundred and fifty acres, lot number fifty-nine one hundred acres, lot number fifty-eight all.

In Hoffman township, lot E one hundred and fifty acres, lot D one hundred acres.

In tract west of road patent, lot number one hundred and sixty-nine one hundred acres, lot number one hundred and sixty-eight sixty acres, lot number one hundred and sixty-one one hundred acres, lot one hundred and fifty-eight eighty acres, lot number one hundred and forty-nine the whole.

In the thirtieth township, Totten and Crossfield purchase, lot No. six, nine hundred and seventy-five acres, lot number seven seven hundred and fifty acres, lot number eight four hundred acres, lot number nine twenty-five acres, lot number sixteen five hundred and seventy-five acres, lot number fifteen two hundred and fifty acres: see outline of map of said line hereto annexed.

JOEL F. POTTER,
A. B. OLMSTEAD,
DAVID JUDD,
Commissioners.

Minerva, July 11, 1865.

CHAPTER 341, LAWS OF 1861.

AN ACT to alter the town line between the towns of Crown Point and Schroon, in the county of Essex, by the Board of Supervisors thereof.

Whereas, an application has been made to this board, subscribed by at least twelve freeholders of the town of Crown Point, and also subscribed by at least twelve freeholders of the town of Schroon; and this board having been furnished with a map and survey of the said towns to be affected thereby, showing the proposed alteration; and whereas it appears, by evidence furnished to this board, that a notice of said intended application, subscribed by at least twelve freeholders of the towns thereby affected, was duly published in three of the newspapers published in said county, at least once in each week for six weeks successively immediately preceding said application, and that the like notices were posted in at least five of the most public places in each of the towns thereby affected, for four weeks next preceding said application therefor.

The Board of Supervisors of the county of Essex do enact as follows:

Sec. 1. The town line between the towns of Crown Point and Schroon in said county is hereby altered so as to run as follows:

Commencing at the point where the north line of the said town of Schroon, as heretofore bounded, intersects the west line of lot No. two hundred and forty of the Paradox tract, thence south on the west line of said lot No. two hundred and forty and on the west lines of lots Nos. two hundred and forty-one, two hundred and forty-two, two hundred and forty-three, two hundred and forty-four, two hundred and forty-five, two hundred and forty-six, two hundred and forty-seven, two hundred and forty-eight, and two hundred and forty-nine of said Paradox tract to the southwest corner of said lot No. two hundred and forty-nine, thence east on the south line of said lot No. two hundred and forty-nine to the northwest corner of lot No. forty-seven of said Paradox tract. Thence south on the west lines of said lot No. forty-seven and of lots Nos. forty-eight, forty-nine, fifty and fifty-one of said Paradox tract to the southwest corner of said lot No. fifty-one, thence east on the south lines of lots Nos. fifty-one, forty-two, thirty-six, twenty-seven, twenty, thirteen, eight and three of said Paradox tract to the west line of the town of Ticonderoga, of said county, and all the territory lying to the east and north of said lines, and which now forms a part of the said town of Schroon, is hereby annexed to the said town of Crown Point, and shall hereafter form a part thereof.

That is to say: All the territory lying within the following bounds, to wit: Beginning at the point where the north line of the town of Schroon, as heretofore bounded, intersects the west line of lot No. two hundred and forty of the Paradox tract, thence south on the west line of said lot No. two hundred and forty, and on the west lines of lots Nos. two hundred and forty-one, two hundred and forty-two, two hundred and forty-three, two hundred and forty-four, two hundred and forty-five, two hundred and forty-six, two hundred and forty-seven, two hundred and forty-eight, and two hundred and forty-nine of

said Paradox tract, to the southwest corner of said lot number two hundred and forty-nine; thence east on the south line of said lot No. two hundred and forty-nine, to the northwest corner of lot No. forty-seven of said Paradox tract, thence south on the west lines of said lot No. forty-seven and of lots Nos. forty-eight, forty-nine, fifty and fifty-one of said Paradox tract, to the southwest corner of said lot No. fifty-one, thence east on the south lines of lots Nos. fifty-one, forty-two, thirty-six, twenty-seven, twenty, thirteen, eight, and three of said Paradox tract, to the west line of the town of Ticonderoga aforesaid; thence north on the west lines of the towns of Ticonderoga and Crown Point, as the same have heretofore run, to the northeast corner of the town of Schroom, as heretofore bounded; thence west on the north line of the town of Schroom, as heretofore bounded, to the place of beginning—and which now forms a part of the town of Schroom—is hereby annexed to the town of Crown Point, and shall hereafter form a part thereof.

* * * * *

Sec. 4. This act shall take effect on the last day of February, 1861.

JAS. H. PIERCE,

Chairman of the Board of Supervisors of the County of Essex.

A. McD. FINNEY,
Clerk.

CHAPTER 950, LAWS OF 1871.

Resolutions adopted at an adjourned meeting of the Board of Supervisors of the county of Essex, held at the village of Port Henry in said county, February twenty-first and twenty-second, eighteen hundred and seventy-one.

Whereas, A dispute has arisen between the towns of Westport and Elizabethtown, in relation to the southern portion of the boundary line between said towns, southerly from the south bounds of Morgan's patent to the north line of the town of Moriah; and

* * * * *

Resolved, That the Board of Supervisors in and for the county of Essex, do hereby fix, establish, locate and define so much of

the boundary line between the towns of Westport and Elizabethtown, in said county, that is, so much of said line as is between the south line of Morgan's patent and the north line of the town of Moriah, as follows:

That is to say, beginning on the south line of Morgan's or where it intersects the east bank of Black creek, then due south on the line run and surveyed, so marked out by James P. Campbell in the month of January last, to the north line of the town of Moriah.

And it is hereby declared that the courses, distances and fixed monuments above particularly described be fixed, established, located and defined as a boundary line between the said towns of Westport and Elizabethtown.

* * * * *

CHAPTER 225, LAWS OF 1877.

AN ACT to establish the boundary line between the towns of Jay and Wilmington in the county of Essex, and to confirm the past jurisdiction of said towns respectively in relation to said line.

Sec. 1. The boundary line between the towns of Jay and Wilmington in the county of Essex is hereby established as follows: Beginning in the north bounds of said county at the northwest corner of lot number seventy-four in the Jay tract, and running thence southerly along the west bounds of said lot and the west bounds of lot number one hundred and fifty-two to the southwest corner of the last mentioned lot; thence south, eighteen degrees west to the summit of Hamblin Mountain as designated by an iron bolt in the rock placed by C. W. M. Johnson in eighteen hundred and seventy-six; thence south thirty degrees west to the north line of the town of Keene.

Sec. 2. The line above described shall be taken and deemed to have been the true line between said towns for all purposes of determining the jurisdiction of said towns respectively since the twenty-second day of March, eighteen hundred and twenty-two,

provided that nothing herein shall affect the rights of any parties to any actions or proceedings at law now pending.

CHAPTER 356, LAWS OF 1878.

AN ACT to amend section one of chapter two hundred and twenty-five of the laws of eighteen hundred and seventy-seven, entitled "An act to establish the boundary line between the towns of Jay and Wilmington in the county of Essex and to confirm the past jurisdiction of said towns respectively in relation to said line.

Sec. 1. Section one of chapter two hundred and twenty-five of the laws of eighteen hundred and seventy-seven is hereby amended so as to read as follows:

Sec. 1. The boundary line between the towns of Jay and Wilmington in the county of Essex is hereby established as follows: Beginning in the north bounds of said county at the northwest corner of lot number seventy-four in the Jay tract, and running thence southerly along the west bounds of said lot and the west bounds of lot number one hundred and fifty-two to the southwest corner of the last mentioned lot; thence south, eighteen degrees west to the Summit of Hamblin Mountain as designated by an iron bolt in the rock placed by C. W. M. Johnson in eighteen hundred and seventy-six; thence south thirty degrees west as the magnetic needle pointed in eighteen hundred and twenty-two to the north line of the town of Keene.

CHAPTER 709, LAWS OF 1881.

Town Line — Jay and Lewis.

Whereas, A dispute has arisen in relation to the western boundary line of the town of Lewis, and particularly that portion of it passing through south tract Stower's survey.

* * * * *

Resolved, That the Board of Supervisors of the county of Essex do hereby fix, establish, locate and define so much of the

boundary line between the towns of Jay and Lewis as makes the west boundary line of the town of Lewis, that is to say; that part of said boundary line which passes through the Essex tract, and south tract, Stower's survey, beginning at the southwest corner of lot number one hundred and fifty-two and the southeast corner of lot number one hundred and fifty-five, Essex tract, E. F. Henry's survey, and running from thence north on the west line of lots numbers one hundred and fifty-two, one hundred and fifty-one, one hundred and fifty, one hundred and forty-seven, one hundred and forty-four, one hundred and forty-five, and one hundred and forty-six in Essex tract, E. F. Henry's survey, to the south line of south tract, Stower's survey; thence east or west, as the case may be, to the southwest corner of lot number twenty-one, and the southeast corner of lot number twenty-two of said Stower's survey; thence north on the west line of lots numbers twenty-one, twenty-six and thirty-one, to the north line of said south tract; thence east or west on the said north line of said south tract, as the case may be, to the southwest corner of lot number eighty-five and the southeast corner of lot number eighty-six, Essex tract, E. F. Henry's survey; thence north on the west line of lot number eighty-five, Essex tract, E. F. Henry's survey, to the southerly line of the town of Jay. And it is hereby declared that the courses and distances (by lots) and the corners of lots above designated as monuments, and particularly described heretofore, be fixed, established, located and defined as a boundary line between the said towns of Jay and Lewis.

* * * * *

PART VII.

LAWS CONDEMNING CERTAIN LAKES FOR RESERVOIRS.—DECISION
OF THE BOARD OF CLAIMS ON FLOWED LANDS.—FOREST COM-
MISSIONS.

Laws Condemning Certain Lakes for Reservoirs — Decisions of the Board of Claims on Flowed Lands.— Forest Commissions.

CHAPTER 87, LAWS OF 1828.

AN ACT to incorporate the Black River Canal Company.

Sec 1. George Brayton, Isaac Clinton, Levi Adams, Peter Schuyler, James McVickar, James T. Watson, Seth B. Roberts, and Vincent LeRay de Chaumont, with such other persons as shall associate with them for that purpose, shall be and they are hereby constituted a body politic and corporate, by the name, style and title of the "Black River Canal Company."

* * * * *

Sec. 14. The said corporation is hereby authorised,

1. To make, construct and forever maintain a canal of suitable width and dimensions, to be determined by the president and directors of the said company, from a point on the Erie canal, at or near the village of Rome, in the county of Oneida, thence through the county of Oneida and Lewis, to the foot of the high falls on Black river, in the town of Turin, in said county of Lewis.

2. To improve the navigation of the said river, and use the same in continuation of said canal, from the said high falls in the county of Lewis aforesaid, to the long falls on said river at the village of Carthage, in Jefferson county aforesaid.

3. To form and construct a towing path or paths, and basin or basins, all necessary locks, aqueducts, culverts, dams, waste-weirs and toll-houses, artificial harbors or basins for boats, side-cuts or lateral canals connected with such basins.

4. To make side-cuts or feeders from the said Black river, or other streams, if more convenient, and to use the waters of those streams and feeders, by paying to their owner or owners of mills

and other hydraulic works, all damages which they may sustain in consequence of a deprivation of said waters, when the same shall be ascertained in manner hereinafter provided, and to use the waters of any other stream or streams on said route, convenient and necessary for constructing, maintaining and keeping in repair said canal and river navigation.

5. To regulate the time and manner, size and order in which all boats, craft and property, shall pass on said canal and river; and,

6. To establish the amount of tolls or transit duties, and the manner and mode of collecting the same, whether on the boat, vessel or craft carrying property or effects, or on the property or effects themselves, or both, as the case may be.

Sec. 15. The said corporation shall complete the said canal and river navigation, and all the locks and other works connected with, or belonging thereto, in three years after passing of this act.

* * * * *

CHAPTER 174, LAWS OF 1832.

AN ACT to incorporate the Black River Company.

Sec. 1. Vincent Le Ray de Chaumont, Eli West, Samuel Allen, Ela Collins, John W. Martin, Jere Carrier, Elisha Camp, John Brown, Abram Parish, Charles A. Mann, George Varigh, Ralph Clapp, John Felt, Isaac W. Bostwick, Homer Collins, James McVickar, Peter Schuyler, George Brayton, Benjamin P. Johnson, and such other persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of the Black River Company, for the purpose of connecting, by railroads or canals, the Erie canal, at a point at or near the village of Rome, or the village of Herkimer, or at any point between the said villages, with the waters flowing into the St. Lawrence at Ogdensburgh, which are or may be rendered navigable with the St. Lawrence at Cape Vincent, and with Lake Ontario at Sacket's Harbor; and also, so to improve the Black river, between the High Falls on said river and the village of Carthage, as to render it navigable by steamboats, with the right in said corporation thus to navigate said river.

Sec. 2. The said Black river company are hereby authorized to construct either one or all of the following sections on said route or routes: Provided, That one or more of them shall have been completed within the term of three years from the passage of this act; and that in such an event, a further term of ten years be allowed said corporation for perfecting the whole route, or any of the sections hereafter enumerated, to wit:

1. A section from the Erie canal to the High Falls of the Black river:

2. A section from the latter through the county of Lewis and the village of Watertown to Sacket's-Harbor:

3. A section from Carthage to Sacket's-Harbor.

4. A section from either the second or third to the village of Cape Vincent:

5. A section from the village of Carthage to the navigable waters leading to the village of Ogdensburgh:

6. A section for the improvement of the Black river from the High Falls to Carthage, and for the navigation of the same by steam-boats; * * * .
* * * .

CHAPTER 139, LAWS OF 1834.

AN ACT directing the survey of a canal route from the High Falls, on the Black River, to the Erie Canal.

Sec. 1. The canal commissioners shall cause a route of a canal from the navigable waters on the Black river, below the High Falls, in the town of Turin, in the county of Lewis, to the Erie canal, to be surveyed, in the shortest practicable direction with regard to the cost of construction and public utility; and a navigable feeder from Black river to the summit level of said canal, and the estimates of the cost of constructing said canal and feeder to be made; and also for improving the navigation of Black river from the High Falls to the village of Carthage, if they shall be of the opinion that the surveys and estimates heretofore made by Messrs. Cruger and Hutchinson have not

been sufficiently minute and accurate to arrive at a correct estimate of the cost of constructing said canal and feeder, and improving the navigation of said river.

Sec. 2. The canal commissioners, if they shall not deem it necessary to survey an entire new route of said canal, may cause either the route surveyed by Mr. Cruger or Mr. Hutchinson to be resurveyed, or so much thereof as they shall deem expedient, to arrive at a correct estimate of the cost of constructing the said canal.

* * * * *

CHAPTER 157, LAWS OF 1836.

AN ACT for the construction of the Black River canal and
Erie canal feeder.

Sec. 1. The canal commissioners shall proceed, with all reasonable diligence, to construct and complete a navigable canal, from or near the foot of the high falls in the Black river, in the county of Lewis, by the most advantageous route, to the Erie canal at Rome; and also a navigable feeder from the Black river to the summit level near the village of Boonville.

Sec. 2. The canal commissioners shall determine on the width and depth of said canal and feeder; and shall also determine, in their discretion, whether the elevation of the canal shall be overcome by means of inclined planes or by locks constructed of wood, stone, or of stone with wooden chambers, or by means of both locks and inclined planes; and the feeder and canal shall be so constructed as to pass as large a quantity of water to the Erie canal as can reasonably be spared from the Black river,* and from the northerly portion of the Black river canal.

Sec. 3. The commissioners shall also improve the Black river from the high falls aforesaid to the village of Carthage, so as to make the same navigable for steam-boats drawing four feet of water. *

* * * * *

Sec. 11. This act shall not be so construed as to require the canal commissioners to pass all the water that may be taken

* By this act part of the waters of the Black river were diverted to the Hudson watershed.

from the Black river to the Erie canal through the whole distance of the canal hereby authorized; but the surplus of the waters not wanted for the Black river canal, may be passed around the locks by means of sluices, or may be turned into Lansing's kill or the Mohawk river, and thus pass to the Erie canal through the Mohawk feeder at Rome.

* * * * *

CHAPTER 181, LAWS OF 1851.

AN ACT to supply the Black River canal and the Black River with water by draining the lakes on Black, Moose, and Beaver Rivers.

Sec. 1. The canal commissioners are hereby authorized and directed to cause examinations and surveys to be made, of the lakes at the head of Black River, and if in their opinion necessary, also of the lakes on Moose and Beaver rivers, for the purpose of creating if practicable, reservoirs of sufficient capacity to supply the Black river canal feeder with such quantity of water, during the summer months as shall be necessary for the supply of the Black river and Erie canals, and as shall give to the Black river as near as may be, as much water as ordinarily flows therein during the summer months.

Sec. 2. The said commissioners shall cause such dams, bulkheads, gates and other erections to be constructed on the streams and lakes flowing into the Black river above the canal feeder dam, or if such streams and lakes are insufficient to supply the quantity of water necessary for the purposes contemplated in the first section of this act, then the said commissioners are required to cause to be constructed such other dams, bulkheads and erections on one or both the said Moose and Beaver rivers, as shall be necessary to accomplish the purposes in the said first section specified.

Sec. 3. The said dams, bulkheads, gates and other erections shall be and they are hereby made part of the public works, and shall be under the control and supervision of the canal

commissioners, whose duty it shall be to determine at what season of the year the said dams and gates shall be closed, and at what times and in what quantity the waters from said reservoirs shall be discharged, so that the waters thus reserved shall be let into said Black river, during the summer months in such manner and in such quantity, as to give so far as practicable to the inhabitants residing on said river the benefit of said reserved waters when the same shall be required for use, and such supply shall not be less than the quantity which ordinarily flows in said river, during the summer, provided the supply from said reservoirs will furnish such quantity after supplying the Black River canal and the Erie canal with water.

Sec. 4. The said commissioners are hereby authorized to employ such number of persons as in their judgment may be required to attend the gates on said dams, whose duty it shall be to attend said gates and to regulate the flows of water through the same, under such regulations as the canal commissioners may prescribe, subject to the approval of the canal board.

Sec. 5. Any person who shall wilfully open or close any dam or dams, or the bulkheads, gates or other erections connected therewith, or shall impair or destroy the same without authority from the canal commissioners shall forfeit the sum of one thousand dollars, to be sued for and collected in any court having jurisdiction thereof; one half of said sum to be paid into the treasury for the benefit of the canal fund, and the other half to the person who shall prosecute for the same.

Sec. 6. All laws relating to the care and prosecution of the public works of this State, not inconsistent with this act, shall apply to the works hereby authorized to be erected.

Sec. 7. The treasurer shall pay on the warrant of the auditor of the canal department out of any monies appropriated or to be appropriated for the completion of the Black River canal the sum of ten thousand dollars, or so much thereof as may be necessary for the purposes of carrying into effect the provisions of this act.

CHAPTER 245, LAWS OF 1857.

AN ACT respecting the appropriation of the waters of the Black river for the use of the Black River canal and Erie canal feeder.

Sec. 1. Within one year from the passage of this act, it shall be lawful for the owners and lessees of land and water rights upon the Black river, to present their claims for damages on account of the taking of the waters of said river for the use of the "Black river canal and Erie canal feeder," the same as if they had been presented within the time prescribed by law.

CHAPTER 850, LAWS OF 1872.

AN ACT to authorize a tax of seven-tenths of a mill per dollar of valuation of the year eighteen hundred and seventy-two, for the construction of new work upon and extraordinary repairs of the canals of this State.

Sec. 1. * * * For construction of a dam across Moose River at the old Brown's tract at foot of Fulton chain of lakes, to raise the water in lakes to supply deficiency on Black river improvement, pursuant to chapter one hundred and eighty-one, Laws of eighteen hundred and fifty-one, in dry season, the sum of eighteen thousand dollars, if, in the opinion of the canal board, the State is under equitable obligations to construct such dam, and if, in the opinion of said board, it is, under all the circumstances, expedient to do said work, provided the owners of said lakes and lands adjoining release to the State all damages for use of said lakes and damages to lands to be flowed in consequence of the construction of said dam.

* * * * *

CHAPTER 436, LAWS OF 1879.

AN ACT to provide for the construction of a dam across Moose river, in the county of Herkimer.

Sec. 1. There is hereby appropriated out of the revenues of the State canals for the fiscal year commencing on the first day

of October, eighteen hundred and seventy-nine, the sum of ten thousand dollars, or so much thereof as may be necessary, for the construction of a dam across the Moose river, at the old Brown Tract forge, in the county of Herkimer, and the superintendent of public works is hereby empowered and directed to build such a dam, and to take and appropriate any lands, not released by the provisions of chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, and of chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, which may be required for the purpose of building such dam and of bringing the proposed reservoir into successful use.

CHAPTER 336, LAWS OF 1881.

AN ACT to provide for the construction of reservoirs on the Independence and Beaver rivers, in Lewis county, for the purposes of restoring to Black River its natural supply of water.

Sec. 1. There is hereby appropriated out of the general fund, out of moneys not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary to construct reservoirs upon the Independence and Beaver rivers, in Lewis county, for the purpose of restoring Black river to its natural supply of water, and the superintendent of public works is hereby directed to build said reservoirs at such places as he may deem most expedient on said rivers, and to take and appropriate any lands not released by the provisions of chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, and of chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, which may be required for the purpose of building such reservoirs, and bringing them into successful use.

CHAPTER 452, LAWS OF 1883.

AN ACT to authorize the superintendent of public works to construct a reservoir on the Black river above Forestport pond at Forestport, Oneida county, and making an appropriation therefor.

Sec. 1. The superintendent of public works is hereby authorized and directed to construct, or cause to be constructed, a reservoir on the Black river above Forestport pond at Forestport, Oneida county, for the purpose of storing water for canal purposes, at an expense not to exceed twenty thousand dollars.

Sec. 2. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys in the treasury not otherwise appropriated, to be paid on the warrant of the Comptroller to the State Superintendent of public works, for the purpose of constructing said reservoir as provided in this act.

CHAPTER 274, LAWS OF 1889.

AN ACT to provide for the completion of a reservoir on the Black River above Forestport pond, in Oneida county, and making an appropriation therefor.

Sec. 1. The Superintendent of Public Works, is hereby authorized and directed to complete the construction of a reservoir on the Black river above Forestport pond, in Oneida county, for the purpose of storing water for canal purposes.

Sec. 2. The sum of forty-five thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, in addition to the sum appropriated by chapter four hundred and fifty-two of the laws of one thousand eight hundred and eighty-three for the purpose of constructing a reservoir, by building a dam, not more than twenty feet in height, on the Black river, above Forestport pond, Forestport, Oneida county. Said moneys shall be paid, on the warrant of the Comptroller, to the Superintendent of Public Works for the purpose of carrying out the provisions of the first section of this act.

Sec. 3. * * * * *

Said Superintendent shall on or before the first day of August, one thousand eight hundred and eighty-nine, remove the gate in the dams of second Bisby lake in Herkimer county and the gate in the dam of White lake, Oneida county, and no gate shall hereafter be placed in the dams of said lakes. Said dams shall be abandoned on or before said date and said lakes shall not thereafter be dammed for the purpose of supplying water to the canals.

CHAPTER 342, LAWS OF 1891.

AN ACT to provide for the clearing of the flow ground covered by the reservoir on the Black river above Forestport, in Oneida county, and making an appropriation therefor.

Sec. 1. The superintendent of public works is hereby authorized to clear the flow ground that will be covered by water, upon the construction of a reservoir on the Black river above Forest Port pond, in Oneida county, for the purpose of storing water for canal purposes. The work of clearing said flow ground shall be let by contract upon plans and specifications prepared by the state engineer and surveyor to the lowest responsible bidder after advertisement as herein after provided for.

Sec. 2. The sum of fifteen thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of clearing the flow ground that will be covered by water, upon the construction of a reservoir on the Black river, above Forest Port pond, in Oneida county, for the purpose of storing water for canal purposes. Said moneys shall be paid on the warrant of the comptroller to the superintendent of public works for the purpose of carrying out the provisions of the first section of this act.

* * * * *

DECISIONS OF THE BOARD OF CLAIMS ON FLOWED LANDS.

CHAPTER 519, LAWS OF 1888.

AN ACT extending time for rehearing or appeal in Board of Claims of certain claims heretofore decided by Canal Appraisers.

Section 1. Within ninety days after the passage of this act an application may be made to the Board of Claims or any other

court or body having jurisdiction thereof for a rehearing or new trial of two several claims filed by Stephen F. Chaphe against the State of New York for damages, and decided by the Canal Appraisers on or about the thirtieth day of November, eighteen hundred and seventy-five, and proceed thereon according to the practice in such cases the same as if made within the time limited by law.

(Canal Appraiser's Book, vol. 107, page 325.)

UTICA, N. Y., *April 8, 1879.*

<p>Testimony in the Claim of THEODORE P. BALLOU, <i>against</i> THE STATE OF NEW YORK.</p>
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John F. Seymour, Attorney for Claimant.

Magone & Sawyer, Attorneys for State.

Present.—Vivus W. Smith, Charles G. Myers, Hezekiah Sturges, Canal Appraisers.

CLAIM ON FILE.

CANAL APPRAISERS OFFICE,	}
STATE OF NEW YORK.	

TO THEO'D P. BALLOU:

For lands taken for flow-grounds and lands other wise appropriated with timber for North and South Branch reservoir, on lot No. 1, Nobleborough patent, in Herkimer county, say 500 acres, \$10....	\$5,000 00
Also, say 100 acres of beaver or natural meadow, mostly at South Branch, say 100 acres at \$20.....	2,000 00
	<u>\$7,000 00</u>

THEO'D P. BALLOU.

Utica, Sept. 22, 1857.

CLAIM FILED SEPTEMBER 23, 1857.

UTICA, N. Y., April 8, 1879.

Before the Appraisers,
THEODORE P. BALLOU,
against
THE STATE OF NEW YORK.

Present.—Vivus W. Smith, Charles G. Myers, Hezekiah Sturges, Canal Appraisers.

John F. Seymour, Attorney for Claimant.

Magone & Sawyer, Counsel for the State.

Counsel for the State moves to dismiss the Claim on the ground that the statement of claim does not specify any liability or claim against the State, and this Board has no jurisdiction for the following reasons:

First. The Claim does not show when the land was appropriated for which claimant claims damage, that it is necessary in order to confer jurisdiction on the Board, that it must appear in the statement of the Claim, that the land was appropriated within one year next prior to filing the Claim.

Second. The statute required the claimant should sign the claim.

Third. The statement does not state any interest of claimant in the premises.

Fourth. That the claim is barred by the statute in not having been filed within one year from the time of the appropriation.

Counsel for Claimant cites, 5 Ed. R. S., page 594, vol. 1; chap. 245, Laws of 1857.

Question of sufficiency of claim or statement of the claim, Reserved.

Chaudly L. Phelps, sworn for the State, says: I reside at Alder Creek, Oneida county. I am engineer. Have been in the employ of the State. Was in the year 1854. I made a survey, of the land for the North and South Reservoir, as a feeder of the Erie Canal. In the fall of 1851, in September and October.

There was a map of that survey made and filed in the Engineer's Office in the fall of 1851. These surveys embraced land now occupied by what is called the North and South Reservoirs.

The land embraced in that survey, is the land now covered by the two lakes as Reservoirs.

Cross-examined: There were 423 acres in the North Lake, within the flowlines, as we run them.

This evidence was in due time objected to. Objection overruled.

There were fifty acres of North Lake, as it was originally.

A portion of the 423 acres lies in Nobleborough. There were two hundred and twenty-four acres in that Patent. Nearly all of the Lake in that patent; about forty-nine acres of it.

In the South Lake, five hundred and eighteen acres was included in the flowline as surveyed.

The Lake as it was originally before it was appropriated was 240 acres.

There were 517 acres in Lot No. 1, Nobleborough Patent.

I run these lines in 1851. I can not tell of my own knowledge when the map was filed. I made no map, only run the lines.

The work was nearly completed in 1854. I can't tell when it was commenced. I mean North Lake. South Lake was not completed at that time. They commenced work on the South Lake Reservoir in 1855, and I don't remember when they finished it. I was not there when it was finished.

Conceded by the Counsel for the State, that the South Lake Reservoir was not finished until October, 1856.

Griffith Jones, sworn for Claimant says:

I have been up the North and South Lake Reservoirs. I was there before they were built.

There were two lakes before the reservoirs were built, called North and South Lakes, on the Black River.

Claimant offers to show that there is a stream running from east into the Black River.

Objected to as immaterial and objection sustained.

Claimant offers to show, that Claimant was deprived of water rights by this appropriation.

Objected to and excluded on the ground, it is not within the purview of the statement of claim.

Counsel for State asks, that the claim be dismissed, as barred by the Statute.

Motion granted.

Claim Dismissed.

Award in the Claim of
THEODORE F. BALLOU,
against
THE STATE OF NEW YORK.

Premises situated in Herkimer county.

This Claim for \$7,000 was heard by the undersigned, Canal Appraisers, in accordance with the statute, at Utica, N. Y., in the month of April, 1879, after a personal examination of premises, and due notice given to claimant and the Superintendent of Public Works in charge, and after hearing the proofs and allegations of the parties, and due deliberation being had, we do find from the said view and testimony the following facts:

In 1851 the State surveyed certain wild land of the Claimant, and took possession of the same for the purpose of constructing the Reservoirs called North Lake and South Lake Reservoirs and ordered the said Reservoirs to be constructed, and the work was thereafter commenced and nearly completed in 1854, but not finished until October, 1856.

The Claimant exhibited his claim to the Canal Appraisers on the 23d day of September, 1857.

The appropriation was made when the State entered upon and commenced the work, not when the work was completed, and the Claimant not having exhibited his Claim within one year after the appropriation is deemed to have surrendered his property to the State.

We, therefore, do award to the said Claimant nothing.
Done and certified at the City of Albany,
this 16th day of July, A. D. 1879.

V. W. SMITH,
CHARLES G. MYERS,
H. STURGES,

Canal Appraiser.

(Award Book, Vol. 2, page 292.)

At a stated session of the Board of Claims of the State of New York, held at the Capitol in the city of Albany on the tenth day of September, 1885.

Present.—Hon. Lyman H. Northup, Presiding Commissioner; Hon. George M. Beebe, Hon. Henry F. Allen, Associate Commissioners.

THEODORE P. BALLOU, Claimant,
against
 THE STATE OF NEW YORK.

} Award.

Seymour and Weaver, Attorney for Claimant.

W. A. Poste, Deputy Attorney-General, for the State of New York.

This claim for the sum of Seven Thousand Dollars, for the permanent appropriation of land, situate in lot No. 1 of the Noblesborough Patent, in Herkimer county, N. Y., by the State of New York, in the construction of the North and South Branch Reservoirs on Black River, and damages incident to and arising from said appropriation, filed with the late Board of Canal Appraisers on September 25, 1857, and heard by said Board on April 8, 1879, and a rehearing thereof ordered by the Canal Board on November 28, 1881, and pending and undetermined before said Canal Appraisers on May 31, 1883, and transferred to this Board by chapter 205 of the Laws of 1883, came on to be heard before this Board at a session thereof held in the city of Utica, N. Y., in June, 1885.

On reading the Claim, and after hearing the proofs and testimony presented, and the arguments of Counsel for the State and the Claimant, and due deliberation being had, this Board do find the following

FACTS.

First. That on or about July 29, 1845, the Claimant became the owner of the undivided half of lot number one of the

Nobleborough Patent, in the County of Herkimer, State of New York, described as Forty-Four Hundred acres of land, more or less. That on or about October 16, 1850, said claimant became the owner of the remaining undivided half of said Lot number one. That said Claimant is still the owner thereof. That the Black River, and the North and South branches thereof, run through said Lot No. 1, and the two lakes, one on the north, and one on the south branch of said Black River, are situated upon said Lot number one. That both the aforesaid north and south branches and lakes form a part of Black River.

Second. That prior to September 25, 1857, but at what particular time does not clearly appear, the State of New York, by its officers, agents and servants in that behalf duly authorized, entered upon, took and permanently appropriated portions of the aforesaid lot number one of the Nobleborough Patent, then owned and possessed by the Claimant, lying on both sides of said Black River and said North and South branches thereof, and including both the north and south lakes so as aforesaid forming a part of said Black River, for the purpose of the construction of reservoirs at said North and South lakes respectively, as and for feeders to the Black River Canal and Feeder, and the Erie Canal. That surveys were made for such proposed reservoirs in 1851, and the acres within the flowline by said survey proposed for said North Lake reservoir of said Lot No. 1, were 224; and for said South Lake Reservoir of said lot No. 1, were 518. That it does not appear when the map of said survey was filed. That subsequently work was commenced for the construction of said reservoirs, that upon the North Lake being commenced first. That for some time but little work was done. That by action of the Canal Board the work was several times abandoned and the contracts therefor canceled; then the work was resumed and new contracts made and said reservoirs finally completed—the North reservoir being completed on or about the year 1856, and the South reservoir on or about the year 1860. That on September 11, 1854, a new map of the North Lake reservoir was filed, and on July 11, 1855, a new map of the South Lake reservoir was filed.

Third. That by Chapter 245 of the Laws of 1857, passed April 3, 1857, and which took effect immediately thereafter, it was enacted, "Within one year from the passage of this Act, it shall be lawful for the owners and lessees of land and water rights upon the Black River to present their claims for damages on account of the taking of the waters of said river for the use of the Black River Canal and Erie feeder, the same as if they had been presented within the time prescribed by law."

Fourth: That the Claim herein was filed with the Board of Canal Appraisers on September 23, 1857, and within one year from the passage of said Chapter 245 of the Laws of 1857.

Fifth: That the land so as aforesaid, the property of the Claimant herein, in Lot No. 1 Nobleborough Patent, permanently taken for said North and South Branch Reservoirs, and the water, is bounded and described as follows:

NORTH BRANCH RESERVOIR.

Beginning at a point in the north line of the Nobleborough Patent S. 55 degrees E. distant 28 chains from the northwest corner of said patent, said patent being the intersection of said north line with the west flow line of the North Branch Reservoir, said flow line being described on map filed in the State Engineer's Office; thence S. 55 degrees E. 8 chains across said Reservoir to the east flow line; thence southerly and westerly along said flow line to the west line of said Nobleborough Patent; thence north 32 degrees 30 minutes East along said west line 53 1-2 chains to where it intersects the west flow line of said Reservoir; thence north easterly along said west flow line to the place of beginning. Containing Two Hundred Twenty-Four (224) acres.

SOUTH BRANCH RESERVOIR.

Beginning at a point in the east line of Lot No. 2 Nobleborough Patent S. 32 degrees 30 minutes W. distant 8 chains from the northeast corner of said lot, said point being the intersection of said east line with the north flow line of the South Branch Reservoir, said flow line being described on maps filed in the State Engineer's Office, said point being also distant 6 1-2 chains west-

erly from the extreme east point of said South Branch flow line; thence S. 32 degrees 30 minutes W. across the east point of the Reservoir 11.2 chains to the south flow line of said Reservoir; thence following around the flow line of said Reservoir to the place of beginning. Containing Five Hundred Seventeen (517) acres.

Sixth. That the total amount of said appropriation so as aforesaid made, was Seven Hundred and Fifty-one acres.

Seventh. That the fair and reasonable value of said land so as aforesaid permanently taken and appropriated by the State of New York, at the time of said appropriation, was the sum of One Thousand Eight Hundred Eighty-five Dollars.

And upon the foregoing fact this board do find decide and determine:

That the Claimant herein is entitled to an Award for the sum of One Thousand Eight Hundred Eighty-Five Dollars.

We do therefore Award to the Claimant herein the sum of One Thousand Eight Hundred and Eighty-Five Dollars.

L. H. NORTHUP,
G. M. BEEBE,
HENRY F. ALLEN,

Commissioner of the Board of Claims.

(Award Book, vol. 2, page 163.)

At an adjourned session of the Board of Claims of the State of New York held in the city of New York on the fourteenth day of March 1885.

Present: Hon. Lyman H. Northup, Presiding Commissioner; Hon. George M. Beebe, Hon. Henry F. Allen, Associate Commissioners.

ALEXANDER B. LAMBERTON, Claimant, against THE STATE OF NEW YORK.
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} Award.

Bentley and Jones, Attorneys and Wm. H. Bowman of Counsel for Claimant.

I. H. Maynard, Deputy Attorney General, for the State of New York.

This Claim for the sum of Thirty Thousand Dollars, for a permanent appropriation of land, water and right of flowage, and for damages to land and property situate in Township No. 7 of Brown's Tract, town of Wilmurt, Herkimer County, N. Y. from the construction by the State of a dam at the Old Forge in said town, filed with the late Board of Canal Appraisers June 19, 1880, and pending and undetermined before said Board on May 31, 1883, and transferred to this Board by Chapter 205 of the Laws of 1883; came on to be heard before this Board at a session thereof held in the city of Albany, N. Y., in January, 1885.

On reading the Claim, and having viewed the premises according to law, and after hearing the proofs and testimony presented and the arguments of Counsel for the Claimant and the State, and upon the aforesaid view, due deliberation being had, this Board do find the following

FACTS.

First. That in the years 1879 and 1880, and for some years prior thereto, the Claimant was the owner and in possession of a tract of land of about thirteen hundred fifty-eight and 62-100 acres, situate in Township No. 7 of the Brown Tract in the town of Wilmurt, County of Herkimer, State of New York. That there was, and had been for many years, upon said premises, a dam at what was known as the "Old Forge," and Claimant had with said land the right to raise said dam three feet above its original height. That upon said premises was a waterway and power, being a part of Moose River and the outlet to the Fulton Chain of Lakes. That some fifty acres of said land adjacent to said waterway were cleared and cultivated; that upon said premises was a saw-mill; that there was located a hotel upon said premises more or less frequented in the summer season, and in connection therewith was a boat house and docks; that said hotel was supplied by water in pipes by means of a ram located at the aforesaid dam, by means of which the flow of

water was controlled and regulated and kept in proper place and condition for the uses and purposes of said hotel, and making the waters above said dam at the foot of First Lake navigable.

Second. That in or about September, 1879, the State of New York, by its officers, agents and servants, in that behalf, duly authorized, entered upon the aforesaid premises of Claimant and constructed across said Moose River at the outlet of the said Fulton Chain of Lakes, a large and permanent dam for the purpose of raising the water in said lakes and creating reservoirs to supply the Black River Canal and the Black River Canal Feeder and the Black River with water for the navigation thereof; and made and constructed bulkheads, gates and other erections by means of which to control said water for the purposes aforesaid. That said dam was constructed below said old dam and abutting up to said old dam and of about the same height as said old dam. That while said dam so constructed by the State was of about the height of the old dam, yet said old dam had settled in the center, so that at that point the water was raised by said new dam from one to two feet higher than it was before.

Third. That in and about the construction of the aforesaid dam, bulkheads, gates &c. the State took, cut and used trees and timber and other materials from and off the aforesaid lands the property of the Claimant.

Fourth. That the State also took and permanently appropriated to its use the said saw-mill located upon said lands and the water rights connected therewith the property of the Claimant.

Fifth. That the State also took and permanently appropriated to its use the following described land and water rights the property of the Claimant; All that tract or parcel of land situate lying and being in the town of Wilmurt in the County of Herkimer and State of New York, being part of Township No. 7 of Brown's Tract bounded and described as follows, viz: Beginning at a point on large rock marked thus (+) as established by C. L. Phelps Aug. 5, 1880, S. 24 degrees 12 minutes W.

four chains and eighty-five links from southwest corner of Lambertson's saw-mill, running thence N. 49 degrees W. six chains and sixty-nine links, thence N. 10 degrees W. one chain forty-nine links, thence N. 74 degrees 13 minutes E. four chains and sixty-four links, thence N. 80 degrees 15 minutes E. four chains and eighty-three links, thence S. 65 degrees 09 minutes E. four chains and forty-four links, thence S. 73 degrees 01 minutes E. three chains and twenty-eight links, thence S. 41 degrees W. eleven chains and fourteen links, thence N. 49 degrees W. five chains and two links to place of beginning containing nine and 78-100 acres of land; together with the right to the use and control of the waters of Moose River and the outlet of the Fulton Chain of Lakes flowing over the said land, and the right to raise the flow line of said waters to high water mark established by the dam erected upon said lands in October 1879.

Sixth. That said State also took and permanently appropriated to its use for a road three rods wide, the following described land, the property of Claimant: All that other tract or parcel of land situate, lying and being in the town of Wilmurt, Herkimer County, New York, being part of Township No. 7 of Brown's Tract, the centre line of which as established by C. L. Phelps Aug. 5, 1880, is described as follows: Beginning at a soft maple tree at end of Brown's Tract road marked thirteen and one-quarter miles from Moose River, and running thence N. 57 degrees E. ten chains and eighty links, thence N. 62 degrees 52 minutes E. on a line towards southwest corner of saw-mill eight chains and two links to where it intersects the southeast line of land so as aforesaid described and permanently appropriated as aforesaid for said dam, containing one and 41-100 acres of land.

Seventh. That by reason of the aforesaid construction of said dam, bulkheads, gates, &c. and the appropriation of said land and water rights and the control of said water the State has to some extent flowed other portions of the aforesaid lands of Claimant, but said lands are of but small value, still the Claimant has sustained some damage by reason thereof.

Eighth. That in front of the aforesaid hotel upon the said lands of Claimant there was before, and is since, the construction

of said dam by the State, a pond or body of water. That said pond since the construction of said dam contains at seasons of the year more water than formerly, and in the summer the water therein is drawn down below its former flow line, and to some extent leaves some of the land which had been overflowed exposed to the sun. That while it did not appear that sickness had resulted therefrom, such exposure to a greater or less extent is an injury and damage to Claimant.

Ninth. That the fair value of the lands so as aforesaid permanently appropriated by the State, amount to the aggregate sum of Two Hundred and Fifty Dollars. That the injury and damage sustained by reason of the trees, timber and other materials taken and used by the State as aforesaid in the construction of said dam, &c. amount in the aggregate to the sum of Fifty Dollars.

That the injury and damage sustained by overflow of lands of Claimant by reason of the construction of said dam by the State and its control of said waters, amount in the aggregate to the sum of Five Hundred Dollars. That the injury and damage sustained by Claimant to his hotel and property by reason of drawing down as aforesaid, the water in said pond and leaving lands exposed, amount in the aggregate to the sum of One Thousand Dollars. That the fair value of the saw-mill and water rights the property of Claimant so as aforesaid permanently appropriated by the State amount to the aggregate sum of Three Thousand Dollars. That the injury and damage so as aforesaid sustained by the Claimant amount to the aggregate sum of Forty-Eight Hundred Dollars.

Tenth. That said damages are permanent in their character.

And upon the foregoing facts this Board do find and decide as a conclusion of

LAW

That the Claimant herein is entitled to an Award for the sum of Forty-Eight Hundred Dollars, for the permanent appropriation by the State of New York of said lands, saw-mills and water rights, and for the permanent injury and damage so as aforesaid sustained by him by reason of and resulting from

said appropriation, and which sum shall be in full for all past, as well as for all future injury and damage sustained or to be sustained by him or to said premises and water rights by reason of said appropriation by said State.

We do therefore Award to the Claimant herein, the sum of Forty-Eight Hundred Dollars, for the permanent appropriation by the State of New York of the lands, saw-mill and water rights, and for the permanent injury and damage sustained by him by reason thereof, and which sum so awarded shall be in full for all past, as well as for all future injury and damage sustained or to be sustained by him, or to said premises and water rights by reason of said appropriation by said State.

L. H. NORTHUP,
GEORGE M. BEEBE,
Commissioners of the Board of Claims.

(Award Book, Vol. 2, page 159.)

At an adjourned session of the Board of Claims of the State of New York, held in the city of New York on the fourteenth day of March, 1885.

Present.—Hon. Lyman H. Northup, Presiding Commissioner; Hon. George M. Beebe, Hon. Henry, F. Allen, Associate Commissioners.

<p>CHESTER J. MUNN, THADDEUS E. MUNN and MARGARET J. NORTHUP, individually, and as Executors and Trustees under the last will and testament of PAMELIA J. MUNN, deceased, Claimants,</p> <p style="text-align: center;"><i>against</i></p> <p>THE STATE OF NEW YORK.</p>	}	Award.
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Bentley & Jones, Attorneys for Claimants.

I. H. Maynard, Deputy Attorney General, for the State of New York.

This claim, for the sum of thirty thousand dollars, for a permanent appropriation of land, and for damages to land and

property situate in Township No. 3, Moose River Tract, Hamilton County, N. Y. from overflow of water by the construction by the State of a dam at the outlet of Sixth Lake, filed with the late Board of Canal Appraisers May 6, 1881, and pending and undetermined before said Board on May 31, 1883, and transferred to this Board by Chapter 205 of the Laws of 1883; came on to be heard before this Board at a session thereof held in the City of Albany, N. Y., in January 1885.

On reading the claim, and having viewed the premises according to law, and after hearing the proofs and testimony presented and the arguments of Counsel for the Claimants and the State, and upon the aforesaid view, due deliberation being had, this Board do find the following

FACTS.

First: That on or about May 5, 1876, one Pamela J. Munn who was a resident of the town of Leyden Lewis Co., N. Y. was the owner of a large tract of land in Township No. 3, Moose River Tract, in Hamilton County, N. Y., being all of lots Nos. 6, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 29, 30, 31, 32, 33, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 61, 62, 63, and 64, and containing about six thousand acres of land, upon which was nearly one half of Seventh Lake, all of Sixth Lake, all of Fifth Lake and part of Fourth Lake in the Fulton Chain of Lakes, so called, and the several main streams and channels connecting said Lakes and the waters, appurtenances and privileges, flow grounds and water powers thereon.

Second: That on or about May 5, 1876 the said Pamela J. Munn departed this life at the said town of Leyden leaving a last will and testament which was duly admitted to probate by and before the Surrogate of Lewis County. That by said will the Claimants were duly appointed Executors of said will. That by said will the testatrix gave to her grandchildren the sum of five thousand dollars each, and directed the same to be held in trust by said Executors to pay said legacies as said grandchildren became twenty-five years of age. The remainder of her

estate both real and personal she devised and bequeathed to the Claimants herein share and share alike charged with payment of said legacies to said grandchildren. That the Claimants herein thereupon became, ever since have been and still are the owners in fee of the aforesaid lands, subject to the charge of said legacies and the rights and liabilities of the Claimants as such Executors and Trustees.

Third: That in the year 1880 the State of New York by its officers, agents and servants in that behalf duly authorized entered upon a portion of the aforesaid lands of Claimants and constructed at the foot or outlet of said Sixth Lake a large and permanent dam for the purpose of raising the waters in said Sixth and Seventh Lakes and creating reservoirs to supply the Black River, The Black River Canal and the Black River Canal Feeder with water for the navigation thereof; and made and constructed bulkheads, gates and other erections by means of which to control said water for the purposes aforesaid. That the height of said dam was twelve feet.

Fourth. That in and about the construction of the aforesaid dam, bulkheads, gates, &c., the State took and used timber and cut the same from and off the lands of the Claimants.

Fifth. That the State also took and permanently appropriated to its own use the following described land and water rights, the property of the Claimants: All that tract or parcel of land situate lying and being in Township No. 3, Moose River Tract in the County of Hamilton, and State of New York, bounded and described as follows: viz;—Beginning at a point distant three chains and six links South 8 degrees East from centre of Spill way of dam or Station O of base line survey as established by C. L. Phelps Jan. 17, 1881, running thence North 82 degrees East one chain; thence North 8 degrees West six chains; thence South 82 degrees West three chains; thence South 8 degrees East six chains; thence North 82 degrees East two chains to the place of beginning containing one and eight-tenths acres; together with the right to the use and control of the waters of Moose River and the outlet of the Sixth Lake in the Fulton Chain of Lakes flowing over the said

land, and the right to raise the flow line of said waters and the waters of the Seventh Lake to the high water mark established by the dam erected upon said lands, being a flow line ten and one-half feet above the apron of said dam.

Sixth. That by reason of the construction of the said dam, gates, &c. and the appropriation of said parcel of land and water rights and the control of said water the State has flowed and has obtained the right to flow some four hundred and sixty-five acres of the said lands of Claimants. That the lands of Claimants at the time of said appropriation were only of nominal value; that the water power had no market value; that the timber upon said lands could not be got to market for the amount it would bring in the market; that much of the land overflowed were naturally wet covered with brash and with but few trees. That the value of the lands not overflowed has not been diminished by the said dam and overflow.

Seventh. That by reason of the aforesaid permanent appropriation by the State of said land and water rights and rights of flowage, and the construction of said dam and appurtenances, and the said taking and using of timber for said dam, the Claimants herein have sustained a damage in the aggregate sum of Four Hundred Dollars.

And upon the foregoing facts this Board do find and decide as a conclusion of

LAW

That the Claimants herein are entitled to an Award for the sum of Four Hundred Dollars.

We do therefore Award to the Claimants herein the sum of Four Hundred Dollars.

L. H. NORTHUP,
GEORGE M. BEEBE,

Commissioners of the Board of Claims.

(Award Book, vol. 2, page 156.)

At an adjourned session of the Board of Claims of the State of New York held in the city of New York on the fourteenth day of March 1885.

Present. — Hon. Lyman H. Northup, Presiding Commissioner; Hon. George M. Beebe, Hon. Henry F. Allen, Associate Commissioners.

SAMUEL J. NICOLS, SAMUEL M. DODD and

BENJAMIN STICKNEY, Jr., Claimants,

against

THE STATE OF NEW YORK.

Award.

Bentley and Jones, Attorneys for Claimants.

L. H. Maynard, Deputy Attorney General, for the State of New York.

This Claim for the sum of Seven Hundred Fifty Dollars, for damages to property on premises situate between the First and Second Lakes of the Fulton Chain so called in Township No. 8 of John Brown's Tract by overflow of water by reason of the construction by the State of a dam across Moose River and the outlet of the Fulton Chain of Lakes, filed with the late Board of Canal Appraisers January 4, 1881, and pending and undetermined before said board on May 31, 1883, and transferred to this Board by Chapter 205 of the Laws of 1883; came on to be heard before this board at a session thereof held in the city of Albany, N. Y. in January 1885.

On reading the Claim, and having viewed the premises according to law, and after hearing the proofs and testimony presented, and the arguments of Counsel for the Claimants and the State, and upon the aforesaid view, this Board do find the following

FACTS.

First. That on January 4, 1881, and for several years prior thereto, the Claimants were the owners and in possession of a parcel of land of about ten acres situate lying and being between First and Second Lakes of the Fulton Chain, so called, in Township No. 8 of John Brown's Tract, Herkimer County in the State of New York, and bounded on the west by First Lake; on the east by Second Lake; on the south by the "cut off" so called;

and on the north by a line running east and west and at such distance from said "cut off" as will include ten acres of land. That in the 1879 and in the Spring of the year 1880, there were upon said parcel of land two log taverns twenty by twenty-six feet with porches all around one, and across one side and one end of the other; a boat-house and ice-house; and about three hundred and fifty feet of dock on the west side.

Second. That in the fall of the year 1879 the State of New York by its officers, agents and servants in that behalf duly authorized, constructed at the Old Brown's Tract, so called, in the town of Wilmurt, Herkimer County, N. Y. a large and permanent dam across the Moose River and the outlet or foot of the Fulton Chain of Lakes, for the purpose of raising the water in said Lakes, and creating reservoirs to supply the Black River Canal, and Black River Canal Feeder and the Black River with water for the navigation thereof, and made and constructed bulkheads, gates and other erections, by means of which the said State controls and regulates the flow of water through the same. That there had been a dam across said river, and the dam built by the State was so built just below and close to said former dam. That the dam and works so built by the State raised the water at land of Claimants from a foot and one-half to two feet

Third: That in the Spring of 1880, after the building by the State of the aforesaid dam, the water raised by said dam overflowed a portion of the land of Claimants washing away a portion of the dock; damaging the ice-house; injuring the boat house and necessitating its removal, and causing other injury and damage.

Fourth. That the injury and damage so as aforesaid sustained by the claimants amounted in the aggregate to the sum of One Hundred and Fifty Dollars.

And upon the foregoing facts this Board do find and decide as a conclusion of

LAW

That the Claimants herein are entitled to an Award for the sum of One Hundred and Fifty Dollars.

We do therefore Award to the Claimants herein the sum of One Hundred and Fifty Dollars.

L. H. NORTHUP,
GEORGE M. BEEBE,
H. F. ALLEN,

Commissioners of the Board of Claims.

(Award Book, vol. 2, page 284.)

At a stated session of the Board of Claims of the State of New York held at the Capitol in the city of Albany, N. Y. on the tenth day of September 1885.

Present.—Hon. Lyman H. Northup, Presiding Commissioner; Hon. George M. Beebe, Hon. Henry F. Allen, Associate Commissioners.

ALBERT G. BUEL, Claimant,
against
THE STATE OF NEW YORK.

} Award.

J. B. Rafter, Attorney for Claimant.

W. A. Poste, Deputy Attorney General, for the State of New York.

This Claim for the sum of Seven Hundred Seventy-five Dollars, for damages to premises situate in town of Wilmurt, Herkimer County, N. Y. by overflow of water from the building by the State of New York of a dam across Moose River at the outlet of the Fulton Chain of Lakes, and conversion by said State of a pine tree, filed with the late Board of Canal Appraisers on August 31, 1881, and pending and undetermined before said Board on May 31, 1883, and transferred to this Board by Chapter 205 of the Laws of 1883, came on to be heard before this Board at a session thereof held in the city of Utica, N. Y., in June 1885.

On reading the Claim, and having viewed the premises according to law, and after hearing the proofs and testimony presented, Commissioners Northup and Beebe do find the following

FACTS.

First. That on or about April 16, 1876, the Claimant became and ever since has been the owner and in possession of a tract of land of about 250 acres situate in Township Number Eight of Brown Tract in the town of Wilmurt, County of Herkimer, State of New York, and lying on both sides of the river between the Third and Fourth Lakes in the Fulton Chain of Lakes. That upon said tract was a valuable pine tree of about one hundred fifty feet in height and three feet in diameter. That in the Spring of the year 1880 the Claimant made improvements upon said land and expended therefor about Fifteen Hundred Dollars.

Second. That in or about September 1879, the State of New York by its officers, agents and servants in that behalf duly authorized, constructed across Moose River at the outlet of said Fulton Chain of Lakes a large and permanent dam for the purpose of raising the water in said Lakes and creating reservoirs to supply the Black River Canal and Feeder with water for the navigation thereof. That said dam when completed raised the water in the river between the Third and Fourth Lakes causing the said water to overflow a portion of the aforesaid tract of land back of and near the dwelling house thereon, and for a time to stand, and in the summer to become stagnant and unpleasant—a gathering place for flies and mosquitoes, thereby causing injury and damage to the premises of Claimant.

Third. That during the period of the construction of said dam, the State of New York, by its officers and agents, cut down said pine tree and took and used about one hundred feet of the same in said dam to the injury and damage of Claimant.

Fourth. That the injury and damage so as aforesaid sustained by Claimant, amount in the aggregate to the sum of Two Hundred Dollars.

Fifth. That the injury and damage so as aforesaid sustained by the Claimant are permanent in their character.

And upon the foregoing facts, the said Commissioners Northup and Beebe do find, decide and determine:

That the Claimant herein is entitled to an Award for the sum of Two Hundred Dollars in full for the permanent damages so as aforesaid sustained by him, and that he may hereafter sustain, by reason of the construction of the aforesaid dam.

We do therefore Award to the Claimant herein, the sum of Two Hundred Dollars.

L. H. NORTHUP,
GEORGE M. BEEBE,
Commissioners of the Board of Claims.

(Award Book, vol. 2, page 489.)

At an adjourned session of the Board of Claims of the State of New York, held in the city of New York on the seventeenth day of December 1885.

Present.—Hon. Lyman H. Northup, presiding commissioner; Hon. George M. Beebe, Hon. Henry F. Allen, Associate Commissioners.

WESTEL R. TANNER, as Administrator of
the goods, chattels, etc., of GEORGE B.
ANDERSON, Claimant,

against

THE STATE OF NEW YORK.

} Award.

C. D. Adams, Attorney for Claimant.

W. A. Poste, Deputy Attorney General, for the State of New York.

This Claim for the sum of Ten Thousand One Hundred Dollars, for the permanent appropriation by the State of New York of land and water situate in Forestport, Oneida County, N. Y. filed with the late Board of Canal Appraisers by one George B. Anderson, on July 9, 1881, and pending and undetermined by said Canal Appraisers on May 31, 1883, and transferred to this Board by Chapter 205 of the Laws of 1883, came on to be heard before this Board at a session thereof held in Lowville, N. Y.

in September 1885. Upon said hearing said Claim was amended by order of this Board by the substitution of the above named Claimant in the place of George B. Anderson, the original Claimant, deceased.

On reading the amended Claim, and having viewed the premises according to law, and after hearing the proofs and testimony presented, due deliberation being had, Commissioners Northup and Allen do find the following

FACTS.

First. That in the year 1880 one George B. Anderson was the owner of certain land and water situate in Forestport, Oneida County, N. Y. and upon what was known as the "Miller and Swanton Tract;" which land and water were conveyed to him by William Swanton and wife by deed dated September 3, 1872. That included in said land and water was White Lake and adjacent land. That on March 3, 1874 said Anderson executed a mortgage upon said property so as aforesaid conveyed to him, to one William McCulloch to secure the sum of \$7,000.

Second. That in the year 1880, the State of New York by its officers, agents and servants in that behalf duly authorized permanently appropriated to the use of the State the said White Lake and its waters and lands under water, and constructed a large and permanent dam across the outlet of said Lake, for the purpose of raising the water therein and creating a reservoir or reservoirs to supply the Black River Canal Feeder and the Black and Erie Canals with water for the navigation thereof, and by the erection of said dam flowed to some extent the land adjacent to the water of said Lake. That said State constructed bulkheads, gates, and other erections by means of which it controlled and regulated the flow of water of said Lake through the same and the height of water at said dam.

Third. That the total amount of land under water in said White Lake was two hundred sixty and 88-100 acres. That the total amount of land adjacent to the waters of said Lake

flowed by reason of the erection of the aforesaid dam was seventy-one and 12-100 acres.

Fourth. That the total amount of land under water and water in said White Lake, the property of said Anderson, so as aforesaid permanently appropriated by the State, was One Hundred Twenty-Eight and 07-100 acres; and to total amount of his land flowed by said dam, was Forty-Six and 02-100 acres, amounting in the aggregate to One Hundred Seventy-Four and 9-100 acres.

Fifth. That the aforesaid land and land under water, and water, the property of said Anderson, so taken and permanently appropriated by the State were reasonably worth in the aggregate the sum of Three Hundred Fifty Dollars.

Sixth. That on or about June 15, 1881, the said McCulloch, the aforesaid mortgagee, duly assigned to said Anderson all claim he, said McCulloch, might have against the State by reason of the aforesaid appropriation of land and water.

Seventh. That after the filing of his said Claim, and before the said hearing the said George B. Anderson died intestate, and the above named Claimant was duly appointed Administrator of the goods, chattels and credits of said Anderson, and duly qualified and is acting as such.

And upon the foregoing facts said Commissioners Northup and Allen do find, decide and determine:

That the Claimant herein is entitled to an Award for the sum of Three Hundred Fifty Dollars.

We do therefore Award to the Claimant herein Three Hundred Fifty Dollars.

L. H. NORTHUP,
HENRY F. ALLEN,
Commissioners of the Board of Claims.

(Award Book, vol. 2, page 492.)

At an adjourned session of the Board of Claims of the State of New York, held in the city of New York, N. Y., on the seventeenth day of December, 1885.

Present.—Hon. Lyman H. Northup, Presiding Commissioner; Hon. George M. Beebe, Hon. Henry F. Allen, Associate Commissioners.

CATHARINE KRAFT individually, and as
Executrix of GOTTLIEB KRAFT, Claimant,
against
THE STATE OF NEW YORK.

Award.

L. W. Fiske, Attorney, and Thomas Jones, of Counsel, for Claimant.

W. A. Poste, Deputy Attorney General, for the State of New York.

This Claim, for the sum of Thirty Two Hundred Dollars, filed by Gottlieb Kraft and Catherine Kraft with the late Board of Canal Appraisers on December 27, 1881, for damage to land in Forrestport, Oneida County, N. Y., by reason of appropriation by the State of White Lake, and pending and undetermined by said Canal Appraisers on May 31, 1883, and transferred to this Board by Chapter 205 of the Laws of 1883, came on to be heard before this Board at a session thereof held in Lowville, N. Y. October 1, 1885.

Upon said hearing the Claim was amended by the substitution of Catherine Kraft as Executrix of Gottlieb Kraft, in place of said Gottlieb Kraft, deceased.

On reading the amended Claim, and having viewed the premises according to law, and after hearing the proofs and testimony presented, due deliberation being had, this Board do find the following:

FACTS.

First. That in 1880 and 1881 Gottlieb Kraft and Catherine Kraft were the owners as tenants in common and in possession of a tract of land of about four hundred acres, situate in Forrestport, Oneida County, N. Y. lying, adjoining and abutting the southeast shore of White Lake. That said land comprised a farm, a portion of the same being good for raising grass, &c.

That said premises were kept as a summer resort for persons visiting said Lake for fishing and other purposes.

Second. That in the year 1880 in the months of October, November and December the State of New York by its officers, agents and servants in that behalf duly authorized, constructed a dam across the outlet of said White Lake, with bulkheads, gates, &c. for the purpose of raising the water therein and controlling the flow of the same, as a reservoir for the use of the Black River Canal Feeder and Black River and Erie Canals. That the water of said Lake was raised and the adjoining lands, including a portion of the lands of the said Kraft, to some extent, overflowed: That by reason of said overflow of water the said Krafts sustained damage to the amount in the aggregate of the sum of One Hundred Dollars.

Third. That after the filing of the Claim herein and prior to the hearing thereof said Gottlieb Kraft died leaving a will which will was duly admitted to probate, and letters testamentary thereon were issued to Catherine Kraft as Executrix, who duly qualified as such and is still such Executrix.

And upon the foregoing facts this Board do find, decide and determine:

That the Claimant herein is entitled to an Award for the sum of One Hundred Dollars.

We do therefore Award to the Claimant herein the sum of One Hundred Dollars.

L. H. NORTHUP,

G. M. BEEBE,

HENRY F. ALLEN,

Commissioners of the Board of Claims.

Award Book, Vol. 4, page 22.)

At an adjourned session of the Board of Claims of the State of New York, held in the City of Rochester, N. Y. on the sixteenth day of June 1887.

Present.—Hon. George M. Beebe, Presiding Commissioner; Hon. Henry F. Allen, Hon. William L. Muller, Associate Commissioners.

JAMES SAMPLE, Claimant,
against
THE STATE OF NEW YORK.

Award.

James Fox, of Counsel for the Claimant.

C. F. Tabor, Deputy Attorney General, for the State of New York.

This Claim for the sum of Two Thousand Dollars, for land in Forrestport, Oneida County, N. Y. overflowed with water, by reason of the appropriation by the State of White Lake and the construction of a dam thereon, for a reservoir for the storage of water for canal purposes, and for incident damages, filed with this Board on September 13, 1886, came on to be heard before this Board at a session thereof held in the city of Albany, N. Y., on April 13, 1887.

On reading the Claim, and Commissioners Allen and Beebe having viewed the premises a view by Commissioner Muller having been waived by the Counsel for the Claimant and after hearing the proofs and testimony presented. this Board do find the following

FACTS.

First. That by Chapter 512 of the laws of 1886, it was enacted; That the Board of Claims was authorized to hear, audit and determine the Claim of James Sample against the State, for damages occasioned to him by the erection of a dam by the State in the town of Forrestport, Oneida county, and to make an award therefor as if such claim had accrued within two years from the time of such hearing.

Second. That in the year 1880, the Claimant herein was, and for some years prior thereto had been, the owner and in possession of a tract of land situate in the town of Forrestport, County of Oneida, State of New York, and know as Lot 9 on a map entitled "Map of Adgates' Eastern Patent, Miller and Swanton, and Sample Division, town of Forestport," filed in the office of the Clerk of Oneida County. That a body of water known as "White Lake" was partly upon said Lot 9, about 21

77-100 acres thereof being covered by the waters of said Lake. That in the years 1880, 1881, 1882 and 1883, the State of New York, by its officers, agents and servants in that behalf duly authorized, permanently appropriated to the use of the said State, the said White Lake, its waters and land under water, and constructed a large and permanent dam across the outlet of said Lake for the purpose of raising the water therein and creating a reservoir or reservoirs to supply the Black River Canal Feeder and the Black River and Erie Canals with water for the navigation thereof, and by the erection of said dam, to some extent, flowed the land adjacent to the water of said Lake. That the said State constructed bulkheads, gates and other erections by means of which it controlled and regulated the flow of water of said Lake through the same, and the height of water at said dam.

Third. That the total amount of land of the Claimant herein on said Lot 9, flowed by water by reason of the said appropriation of White Lake and the erection of said dam, was about six and 2-100 acres. That the amount of land of Claimant, being a part of said Lot 9, that was covered by water prior to the said appropriation of White Lake, was about twenty-one and 77-100 acres.

Fourth. That the aforesaid land under water, and land flowed by water, by reason of the aforesaid appropriation, together with all damages sustained by the Claimant incident to said appropriation by said State of said White Lake, amount in the aggregate to the sum of Three Hundred Dollars.

And upon the foregoing facts, this Board do find, decide and determine;

That the Claimant herein is entitled to an Award for the sum of Three Hundred Dollars.

We do therefore award to the Claimant herein the sum of Three Hundred Dollars.

GEORGE M. BEEBE,
HENRY F. ALLEN,
WILLIAM L. MULLER,

Commissioners of the Board of Claims.

(Award Book, No. 6, Board of Claims, page 66.)

At a special session of the Board of Claims of the State of New York, held in the Capitol, in the city of Albany, N. Y., on the twenty-ninth day of December, 1891.

Present.—Hon. Henry F. Allen, Presiding Commissioner; Hon. Hugh Reilly, Hon. George M. Beebe, Associate Commissioners.

MARY L. FISHER, Claimant,
against
THE STATE OF NEW YORK.

} Award.

C. D. Adams, Attorney for Claimant, and F. B. Wadhams, of Counsel.

John W. Hogan, Deputy Attorney-General, for the State of New York.

This Claim was for the sum of twenty-four thousand one hundred and seventy-five dollars, for land overflowed, and for damages from overflow of water, and for timber cut and used in Township No. 5, Herkimer County, N. Y., by the construction of a dam across Beaver River for a reservoir for storage of water for canal purposes, filed with this Board of September 12, 1887; and in which an amended claim was filed on September 29, 1888, claiming \$30,800 came on to be heard before this Board at a session thereof held in the city of Utica, N. Y., in June, 1891.

Upon hearing the amended claim herein upon the application of the claimant and by order of this Board was further amended by making the claim for damages the sum of \$45,000.

On reading the amended claim, and after hearing the proofs and testimony presented, and the arguments of counsel for the claimant and the State, this Board do find the following

FACTS.

First. That on September 3, 1886, the claimant herein was the sole owner in fee of all that portion of Township Number five, of John Brown's Tract, (so called) in the county of Herkimer, State of New York, known and designated as follows: Beginning at a pine stake standing south of the main track of the road

leading from Carthage to Lake Champlain and thirty-nine chains from the east end of Twitchell Creek bridge, as chained along track of said road, and three chains north four and a half degrees from a large rock marked in the north side "L. R. Lyon," in large letters with a chisel; thence north parallel with the west line of said township number five to the north line of said township number five; thence east along said north line two hundred chains; thence south parallel to said west line to the south line of said township number five; thence west along said township number five, two hundred chains; thence north parallel to said west line to the place of beginning, containing nine thousand and six hundred acres, more or less, excepting and reserving therefrom a parcel of one hundred acres now owned by Joseph C. Dunbar, and lying in the west part of said lands and in the vicinity of Beaver river, Twitchell Creek, and of said main road leading from Carthage to Lake Champlain. That said tract is six and three quarter miles from north to south, and two and one half miles from east to west. That Beaver river flows from east to west across said tract dividing the same so that about three-fifths are north and about two-fifths are south of said river. That Twitchell Creek flows over the south line of said tract, about one and one quarter miles from its west line, and runs thence westerly till it falls into Beaver river about one half mile from said west line. That from the west line of said tract the said Beaver river flows into the Black River at Castor Land Railroad Station, a distance of about thirty miles by the course of the stream. That the said tract of land is mainly valuable for the timber thereon. That prior to the construction by the State of the dam across the Beaver River, as hereinafter stated, no timber had been taken from any part of said tract to market, the nearest saw-mills being from twenty to twenty-five miles distant at points below on the said Beaver river. That the nearest to this tract from which logs had ever been driven or floated down said river prior to the construction of said dam was eleven or twelve miles, and the nearest point from

which logs had ever been floated up to the time of the hearing of the claim herein is some seven or eight miles.

Second. That by Chapter 643 of the Laws of 1853, Beaver river was declared to be a public highway from Albany Lake bridge (a point some fifteen miles or more above said tract) to the mouth of said river, and its uses by the public for floating and driving logs and timber, are regulated in said act; but said river is not practically so navigable, and that to make it so available for such use a large sum of money would have to be expended.

Third. That during the year 1886, between the months of June 1886 and January 1887, and in said year 1887, pursuant to Chapter 336 of the Laws of 1881, and other acts supplementary thereto and amendatory thereof, the State of New York by its officers, agents and servants in that behalf duly authorized and empowered, constructed or cause to be constructed a dam across the said Beaver river at a point about forty-five chains west of the west line of the said tract of land of the claimant herein, for the purpose of constructing a reservoir for restoring to Black River its natural supply of water. That said dam was completed in the autumn of 1887, and was filled in the winter following. That said dam is sufficient to raise the water nine feet. That said dam set the water back over portions of the land of claimant along said Beaver River and Twitchell Creek.

Fourth. That in the construction of said dam and the reservoir formed by reason thereof, the State of New York took, and permanently appropriated to its use, for said dam and reservoir, of the land, islands, lakes, rivers and creeks of the claimant herein, embraced in the said tract of land so owned by her, One thousand five hundred and ninety-four and twenty-one one hundredths of an acre (1594 22-100) of land and water, as appears from a map and survey made by C. Earl Phelps, which survey was made in October and November 1887, and July to October 1890, and which said map, showing the flow line of said reservoir and the land and water of claimant so as aforesaid taken and permanently appropriated, is filed herein in the office of the clerk of this Board.

Fifth. That the claimant herein has sustained damage by reason of the said permanent appropriation of her land and water, including all damages incident to said appropriation, and including all damages resulting to the residue of her said land and water by reason of said appropriation and the construction of said dam and reservoir as aforesaid, in the aggregate the sum of nine thousand nine hundred and seventy dollars.

And upon the foregoing facts this Board do find, decide and determine:

That the claimant herein is entitled to an award for the sum of nine thousand nine hundred and seventy dollars (\$9970).

We do therefore award to the claimant herein the sum of nine thousand nine hundred and seventy dollars.

HENRY F. ALLEN,
GEORGE M. BEEBE,
Commissioners of the Board of Claims.

FOREST LANDS AND FOREST COMMISSIONS.

CHAPTER 13, LAWS OF 1883.

AN ACT to prohibit sales of lands belonging to the State in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence and Warren.

Section 1. Hereafter and from the passage of this act no sales shall be made of lands belonging to the State situated in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence and Warren.

Section 2. Nothing in this act shall be construed, as prohibiting the commissioners of the land office from conveying, to the purchasers thereof.

CHAPTER 286, LAWS OF 1886.

AN ACT to provide for the taxation of forest lands in the counties known as the Forest Preserve.

Section 1. All wild or forest lands belonging to, or which may hereafter be acquired by the State within the limits of the

Forest Preserve as established by chapter two hundred and eighty-three of the laws of eighteen hundred and eighty-five, shall be assessed and taxed at a like valuation and at a like rate as those at which similar lands of individuals within such counties are assessed and taxed, subject, however, to the provisions of this act. On or before August first in every year the assessors of the town within which the lands so belonging to the State are situated shall file in the office of the Comptroller, and in the office of the Forest Commission, a copy of the assessment-roll of the town which, in addition to the other matters now required by law to be stated therein, shall state and specify which and how much, if any, of the lands assessed are forest lands, and also, and separately, which and how much, if any of the lands assessed are lands belonging to the State; such statements and specifications to be verified by the oaths of a majority of the said assessors. The Comptroller shall thereupon and before the first day of September following, and after hearing the assessors and the Forest Commission if they or any of them so desire, correct or reduce any assessment of State lands which may in his judgment be in unfair proportion to the remaining assessments of lands within the town, and shall in other respects approve the assessment and communicate such approval, and no such assessment of State lands shall be valid for any purpose until the amount of the assessment is so approved by the Comptroller, and such approval, attached and deposited with the assessment-roll of the town and therewith delivered by the assessors of the town to the supervisor of the town, or other officer authorized to receive the same from the assessors. No tax for the erection of a school house or opening a road shall be imposed upon State lands, unless such erection or opening shall have been first approved in writing by the Forest Commission. Payments of the taxes which may be imposed according to law and the provisions of this act upon lands so belonging to the State shall in every year be made by the treasurer of the State upon the certificate of the Comptroller as to the lawful and just amount of such taxes, by allowing to the treasurer of the county in which

any such lands may be situate a credit of the amount of such taxes due upon such lands upon the amount payable by such county treasurer in such year to the State for State taxes; providing, however, that no fees shall be allowed by the Comptroller to the county treasurers in adjusting their accounts for such portion of the State tax as is so paid.

CHAPTER 848, LAWS OF 1872.

AN ACT to appoint commissioners of parks for the State of New York.

Section 1. A commission of State parks for the State of New York is hereby established.

Section 2. It shall be the duty of the commissioners to inquire into the expediency of providing for vesting in the State the title to the timbered regions lying within the counties of Lewis, Essex, Clinton, Franklin, St. Lawrence, Herkimer and Hamilton, and converting the same into a public park; such commissioners to report the result of their labors, together with such suggestions as they may have to present, to the legislature at its next session.

Section 3. Horatio Seymour, Patrick H. Agan, William B. Taylor, George H. Raynor, William A. Wheeler, Verplanck Colvin and Franklin B. Hough, are hereby appointed commissioners under this act, to hold office for two years, to act without compensation.

CHAPTER 541, LAWS OF 1884.

AN ACT providing for the appointment of commissioners to inquire into the practicability of storing the head waters of the Hudson river.

Sec. 1. The governor shall appoint, within ten days after the passage of this act, three citizens of the State, who shall constitute a commission to inquire into and report to the next legislature upon the practicability and method of storing the head

waters of the Hudson river for the purpose of feeding the Champlain canal, preventing the formation of sand bars, and giving a more uniform depth of water in the lower Hudson.

Sec. 2. The commissioners appointed under the first section of this act shall receive for their services five hundred dollars each and their expenses actually incurred in travelling, which amounts shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

CHAPTER 551, LAWS OF 1884.

AN ACT making appropriations for certain expenses of government.

Sec. 1. For the comptroller,—* * * * * . For the employment of such experts* as he may deem necessary to investigate and report a system of forest preservation, the sum of five thousand dollars, or so much thereof as may be necessary.

CHAPTER 59, LAWS OF 1885.

AN ACT making an appropriation for payment of the services and traveling expenses of the commissioners appointed, pursuant to chapter five hundred and forty-one of the laws of eighteen hundred and eighty-four, to inquire into the practicability of storing the head-waters of the Hudson River.

Sec. 1. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, which the treasurer shall pay on the warrant of the comptroller to the parties entitled to the same, for the payment of the services and traveling

* Pursuant to this provision the Comptroller, Hon. A. C. Chapin, appointed Professor Charles S. Sargent, of Harvard University, D. Willis James, Esq., of New York city, Hon. William A. Foucher, of Oswego, and Edward M. Shepard, Esq., of Brooklyn. This commission, whose members were well fitted for the various technical requirements of the work, made a report, January 23, 1885, whereupon the Legislature passed the enactment under which this department was established.

expenses of the commissioners appointed, pursuant to chapter five hundred and forty one of the laws of eighteen hundred and eighty-four, to inquire into the practicability of storing the head waters of the Hudson river.

CHAPTER 37, LAWS OF 1890.

AN ACT to authorize the purchase of lands located within such counties as include the forest preserve.

Section 1. The forest commission, with the approval and concurrence of the commissioners of the land office, may purchase lands so located within such counties as include the forest preserve, as shall be available for the purposes of a state park, at a price not to exceed one dollar and fifty cents per acre, such approval and concurrence to be indorsed on a copy of the resolution of the said forest commission authorizing such purchase, and certified to by the clerk of said commissioners of the land office.

Sec. 2. The forest commission may have such lands appraised by one or more appraisers, not to exceed three in number, to be appointed by that commission. The expenses of such appraisal shall be a per diem allowance to the appraisers, not to exceed three dollars per day for the time actually employed, and the necessary expenses incurred in each case, such expenses to be audited by the comptroller, and paid out of the funds appropriated by the legislature for the purposes of this act; but no purchase of lands shall be made in excess of previous appropriations for that purpose.

Sec. 3. The sum of twenty five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of this act; and no liability shall be incurred by said forest commission in excess of this appropriation.

CHAPTER 332, LAWS OF 1893.

AN ACT in relation to the forest preserve and Adirondack park, constituting articles six and seven of chapter forty-three of the general laws.

ARTICLE VI.

Forest Preserve.

Section 100. Forest preserve.

101. Forest commission.
102. Powers and duties.
103. Sale of timber in forest preserve.
104. Accounts and annual report of forest commission.
105. Partition of lands.
106. Taxation of forest preserve.
107. Duties of railroad companies.
108. Powers and duties of certain officers in case of fire.
109. Supervisors to be town protectors of land.
110. Supervisors ex officio fire wardens.
111. Supervisors to report fires.
112. Actions for trespasses upon forest preserve.
113. Penalty for setting fire to forest lands.
114. Arrest of offenders without warrant.
115. Deer park in the Catskill region.
116. Powers and duties of commissioner of agriculture as to forest preserve.

§ 100. Forest preserve. The forest preserve shall include the lands now owned or hereafter acquired by the state within the counties of Clinton, except the town of Altona and Dannemora, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, St. Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

1. Lands within the limits of any village or city and
2. Lands, not wild lands, acquired by the state on foreclosure of mortgages made to the commissioners for loaning certain moneys of the United States usually called the United States deposit fund.

§ 101. Forest commission. There shall be a forest commission constituted of five persons to be known as the forest commissioners, appointed by the governor by and with the advice and consent of the senate and holding office for the term of five years. The commissioners shall serve without compensation but shall be paid for the reasonable expenses incurred in the performance of their official duties not to exceed the sum of five hundred dollars in any year to any commissioner. The superintendent, assistant superintendent, the two inspectors of forests and the secretary and clerks now employed by the forest commission, shall continue on the same terms and conditions until such employment shall be terminated or modified by the forest commission.

§ 102. Powers and duties. The forest commission shall:

1. Have the care, custody, control and superintendence of the forest preserve.

2. Maintain and protect the forests in the forest preserve and promote as far as practicable the further growth of the forest therein.

3. Have charge of the public interests of the state with regard to forestry and tree planting and especially with reference to forest fires in every part of the state.

4. Possess all the powers relating to forest preserve which were vested in the commissioners of the land office and in the comptroller on May fifteen, eighteen hundred and eighty-five.

5. Prescribe rules and regulations affecting the whole or any part of the forest preserve and for its use, care and administration and alter or amend the same; but neither such rules or regulations nor anything contained in this article shall prevent or operate to prevent the free use of any road, stream or water as the same may have been heretofore used, or as may be reasonably required in the prosecution of any lawful business.

6. Employ a superintendent, assistant superintendent, two forest inspectors, twelve foresters and such clerical force and agents as they may deem necessary, and fix their compensation, but the expenses and salaries of such employes shall not exceed in the aggregate, with the other expenses of the commission

the sum appropriated therefor by the legislature, and the amount allowed to each forester for salary shall not exceed the sum of seventy-five dollars a month.

7. Take such measures as in the judgment of the commissioners may be proper, and the state superintendent of public instruction and the regents of the university may approve, for awakening an interest in behalf of forestry in the common schools, academies and colleges of the state and of imparting elementary instruction on such subject therein; and prepare and distribute the tracts and circulars of information, giving plain and concise instructions for the care of private wood lands and for the growth of new forests upon lands that have been denuded, exhausted by cultivation, eroded by torrents, or injured by fire, or that are sandy, marshy, broken, sterile, or waste and unfit for other use. These publications shall be furnished without cost to any citizen of the state on application, and proper measures may be taken for bringing them to the notice of persons who would be benefited thereby.

8. Cause rules for the prevention and suppression of forest fires to be printed for posting in school houses, inns, saw-mills and other wood-working establishments, lumber camps and other places in such portions of the state as they may deem necessary. Forest inspectors, foresters, firewardens, supervisors and school trustees shall cause these rules when received by them, to be promptly posted and replaced when lost or destroyed. Any person maliciously or wantonly defacing or destroying any such notice shall forfeit to the people of the state, the sum of five dollars for every such offense.

§ 103. Sale of timber on forest preserve. The forest commissioners may sell and spruce and tamarack timber, which is not less than twelve inches in diameter at a height of three feet above the ground, standing in any part of the forest preserve, and poplar timber of such size as the forest commission may determine and the proceeds of such sales shall be turned over to the state treasurer, by whom they shall be placed to the credit of the special fund established for the purchase of lands within the Adirondack park.

§ 104. **Accounts and annual report of forest commission** All income derived from state forest lands shall be paid over by the forest commission to the treasury of the state, and a strict account shall be kept of all receipts and expenses of the commission, which account shall be audited by the comptroller. The commission shall annually, in the month of January, make a written report to the legislature of their receipts and expenses, and of all their proceedings, with such recommendations of further legislative or official action as they may deem proper.

§ 105 **Partition of lands.** Whenever the state owns an undivided interest with any person in lands of the forest preserve or holds and is in possession of such lands as joint tenant or tenant in common with any person who has a freehold estate therein, the attorney-general shall on the request of the forest commission, bring an action in the name of the people of the state, for the actual partition of such land; and on the written consent of the forest commission any such person may maintain an action for the actual partition of such land in the same manner as if the state were not entitled to exemption from legal proceedings, and service of process in such action upon the attorney-general shall be deemed service upon the state. Such actions, the proceedings and judgment therein and the proceedings under the judgment shall be according to the practice at the time prevailing in actions of partition and shall have the same force and effect as in other actions, except that no costs against the state shall be allowed in such actions and no sale of such lands shall be adjudged therein. The forest commission may without action, but with the consent of the comptroller, agree with any person or persons owning lands within the forest preserve jointly or as tenants in common, with the state for the partition of such lands, and on such agreement and consent, the comptroller shall make on behalf of the people of the state, any conveyance necessary or proper in such partition, and such conveyance shall be forthwith recorded as now provided by law as to conveyances made by the commissioners of the land office.

§ 106. Taxation of forest preserve. All wild or forest land within the forest preserve shall be assessed and taxed at a like valuation and rate as similar lands of individuals within the counties where situated. On or before August first in every year, the assessors of the town within which the lands so belonging to the state are situated shall file in the office of the comptroller and of the forest commission, a copy of the assessment-roll of the town which in addition to the other matter now required by law shall state and specify which and how much, if any, of the lands assessed are forest lands, and which and how much, if any, are lands belonging to the state; such statements and specifications to be verified by the oaths of a majority of the assessors. The comptroller shall thereupon and before the first day of September following, and after hearing the assessors and forest commission if they or any of them so desire, correct or reduce any assessment of state land which may be in his judgment an unfair proportion to the remaining assessment of land within the town, and shall in other respects approve the assessment and communicate such approval to the assessors. No such assessment of state lands shall be valid for any purpose until the amount of assessment is approved by the comptroller, and such approval attached to and deposited with the assessment-roll of the town and therewith delivered by the assessors of the town to the supervisor thereof or other officer authorized to receive the same from the assessors. No tax for the erection of a school-house or opening of a road shall be imposed on the state lands unless such erection or opening shall have been first approved in writing by the forest commission. Payment of the lawful and just amount of the taxes imposed under this section on lands so belonging to the state shall in every year be made by the treasurer of the state, on the certificate of the comptroller, by allowing to the treasurer of the county in which such lands are situated a credit of the amount of such taxes due on such lands payable by such county treasurer in such year to the state for state taxes; but no fees shall be allowed by the comptroller to the county treasurers in adjusting their accounts for such portion of the state tax so paid.

§ 107. Duties of railroad companies. Every railroad company whose road passes through waste or forest lands or lands liable to be overrun by fires within the state, shall twice in each year cut and remove from its right of way all grass, brush or other inflammable materials, but under proper care and at proper times when fire, if set, can be kept under control. All locomotives which run through forest lands shall be provided with approved and sufficient arrangements for preventing the escape of fire from their furnaces or ashpans and with netting of steel or iron wire upon their smoke stacks to prevent the escape of sparks of fire and every engineer and fireman employed upon a locomotive shall see that the appliances to prevent the escape of fire are in use and applied as far as it can be reasonably and practically done. No railroad company shall permit its employes to deposit fire coals or ashes upon their track in the immediate vicinity of wood lands, or lands liable to be overrun by fires, and where any engineers, conductors or trainmen discover that fences or other material or substances along the right of way upon wood lands adjacent to the railroad are burning, or in danger from fire, they shall report the same at their next stopping place, and the person in charge of such station shall take prompt measures to extinguish such fires, and shall immediately notify the nearest firewarden or forester. In seasons of drought and especially during the first dry time in the spring after the snows have gone and before vegetation has revived, railroad companies shall employ a sufficient number of trackmen for the prompt extinguishment of fires; and where a forest fire is raging near the line of their road, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress. If any railroad company or any of its employes violate any provision of this section the company shall forfeit to the people of the state the sum of one hundred dollars for every such violation.

§ 108. Powers and duties of certain officers in case of fire. The forest commission, forest superintendent, forest inspector, foresters and other persons employed by or under the authority of the forest commission and who may be authorized by the com-

mission to assume such duty, shall in a town within or a part of the forest preserve, whenever the woods in any such town shall be on fire, perform the duty imposed on them and in such case shall have the powers granted to justices of the peace, the supervisors and commissioners of highways with reference to the ordering of persons to assist in extinguishing fires or stopping their progress. The fire warden, or the supervisor, where acting in general charge, may cause fences to be destroyed or furrows to be ploughed, to check the running of fire, or in case of great danger, back fires may be set along a road or stream or other line of defense, to clear off the combustible material before an advancing fire. No action for trespass shall be brought by any owner of land for entry made upon his premises by persons going to assist in extinguishing a forest fire although such fire may not be upon his land. The compensation for services of persons who may assist in extinguishing forest fires shall be a town charge and shall not exceed the sum of two dollars per day for each person employed; but all bills for such services must be approved by the fire warden of the town in which the fire occurred before payment shall be made.

§ 109. Supervisors to be town protectors of lands. The supervisor of every town in the state not within or a part of the forest preserve in which wild or forest lands belonging to the state are located, shall be, by virtue of his office, the protector of such lands, subject to the instructions he may receive from the forest commission. He shall report to the district attorney for prosecution any acts of spoliation or injury that may be done, and such district attorney shall institute proceedings for the prevention of further trespass and for the recovery of all damages committed, with costs of prosecution. The supervisors shall report their proceedings therein to the forest commission. In towns where the forest commission deem it necessary, they may serve a notice upon the supervisor, requiring him to appoint one or more forest guards, and if more than one in a town, the district of each shall be properly defined. The

guards so appointed shall have such powers, perform such duties and receive such pay as the forest commission may determine.

§ 110. Supervisors *ex-officio* fire wardens. Every supervisor of a town in this state, in which there are no wild or forest lands of the forest preserve, and in which no firewarden is appointed by the forest commission, shall be *ex-officio* firewarden therein, but the supervisor may divide towns particularly exposed to damages from forest fires into two or more districts, bounded as far as may be by roads, streams of water or dividing ridges of land or lot lines, and appoint in writing one resident citizen in each district as district firewarden therein. A description of these districts and the names of the district firewardens thus appointed shall be recorded in the office of the town clerk. The supervisor may also cause a map of the fire districts of his town to be posted in some public place with the names of the district firewardens appointed. The cost of such map, not exceeding five dollars, shall be a town charge and the services of the firewarden shall also be deemed a town charge and shall not exceed the sum of two dollars per day for the time actually employed. Within a town in which there are wild or forest lands of the forest preserve, and in such other towns in the counties mentioned in section one hundred of this chapter as the forest commission may designate, such persons shall be firewardens as may, from time to time, be appointed by the forest commission and shall act during the pleasure of such commission and all the provisions of this article with reference to supervisors and district town wardens shall be applicable to them. On the discovery of a forest fire or a fire in any woods, the firewarden of the district, town or county in which it shall be, shall take such measures as shall be necessary for its extinction, and for this purpose he may call on any person in the territory in which he acts or in its vicinity for assistance, and any person refusing to act when so called on, shall forfeit to the people of the state the sum of ten dollars. Any justice of the peace or

commissioner of highways of the town in which any such fire shall be, shall act as firewarden with respect to any such fire, if the firewardens of the district, town or county are not taking such measures for its extinguishment.

§ 111. Supervisors to report fires. The firewarden of every town in which a forest fire of more than one acre in extent has occurred within a year, shall report to the forest commission the extent of area burned over to the best of his information, together with the probable amount of property destroyed, specifying the value of timber, as near as may be, and amount of cord-wood, logs, bark, or other forest product, and of fences, bridges and buildings that have been burned. He shall make inquiries and report as to the causes of such fires, if ascertainable, and as to measures employed and found most effectual in checking their progress. A consolidated summary of these returns by counties and of the information as to the same matter otherwise gathered by the forest commission shall be included in their annual report.

§ 112. Action for trespasses upon forest preserve. The forest commission may bring in the name of the people of the state any action to prevent trespass upon or injury to the forest preserve and recover damages therefor or to recover lands properly forming part of the forest preserve but occupied or held by persons not entitled thereto, or for the maintenance and protection of the forest preserve, which any owner of lands would be entitled to bring; or for cutting or carrying away, or causing to be cut or assisting to cut, any tree or timber within the forest preserve or any bark thereupon, or removing any tree, timber or bark, or any portion thereof from such forest preserve. Every person violating the provisions of this section, relating to the cutting or carrying away any timber, trees or bark, shall forfeit to the state the sum of twenty-five dollars for every tree cut or carried away by him or under his direction. The forest commission may, with the consent of the attorney-general and comptroller, employ attorneys and counsel

to prosecute any such action or to defend any action brought against the commission or any of its members or subordinates arising out of their or his official conduct with relation to the forest preserve. Any attorney or counsel so employed shall act under the direction of and in the name of the attorney-general. Where such attorney or counsel is not so employed, the attorney-general shall prosecute and defend such actions. A preliminary or final injunction shall, on application, in an action brought by or at the instance of the forest commission, be granted restraining any act of trespass, waste or destruction upon the forest preserve. All such actions for the prosecution shall be brought in the county where the trespass is alleged to have been committed.

§ 113. **Penalty for setting fire to forest lands.** Any person who shall willfully or negligently set fire to, or assist another to set fire to any waste or forest lands belonging to the state or to another person, whereby such forests are injured or endangered; or who suffers any fire upon his own lands to escape or extend beyond the limits thereof to the injury of the wood lands of another or of the state, shall forfeit to the state for every such offense not less than fifty nor more than five hundred dollars, and be liable to the person injured for all damages that may be caused by such fires.

§ 114. **Arrest of offenders without warrant.** The forest superintendent, inspectors, foresters and other persons acting upon the forest preserve under the written employment of the superintendent or of the forest commission, may, without warrant, arrest any person found upon the forest preserve violating any of the provisions of this article and forthwith take the person so arrested before a magistrate having jurisdiction to issue warrants in such cases and there make or procure to be made a complaint in writing, on which complaint the magistrate shall act as the case may require.

§ 115. **Deer parks in the Catskill region.** The forest commission shall set apart tracts of land not exceeding three of

such size as they may deem proper, belonging to the state in the Catskill region, now constituting a part of the forest preserve, for the purpose of breeding deer and wild game. The commission shall purchase and turn out upon such lands such deer or other game as they may think proper, and establish all proper rules for the protection of such land and the game thereupon. No game shall be killed, pursued, trapped, or in any way destroyed within the limits of such land so set apart for the period of five years from the time that such lands shall have been so set apart. The forest commission may receive private subscriptions of money and expend the same for the purposes specified in this section.

§ 116. Powers and duties of commissioner of agriculture as to forest preserve. On the expiration of the terms of office of the forest commissioners appointed pursuant to this chapter, the forest commission shall cease and determine, and all its powers and duties shall devolve on the commissioner of agriculture.

ARTICLE VIII.

Adirondack Park.

Section 120. Adirondack park.

121. Powers and duties of forest commission.

122. Contracts and conveyances.

123. Proceeds of lands sold and payment for lands purchased.

124. Foresters and employes to act as game protectors.

125. Annual report.

126. Laws repealed.

127. When to take effect.

§ 120. Adirondack park. All lands now owned or hereafter acquired by the state within the county of Hamilton; the towns of Newcomb, Minerva, Schroon, North Hudson, Keene, North Elba, Saint Armand and Wilmington, in the county of Essex; the towns of Harrietstown, Santa Clara, Altamont, Waverly and Brighton, in the county of Franklin; the town

of Wilmurt, in the county of Herkimer; the towns of Hopkinton, Colton, Clifton and Fine, in the county of Saint Lawrence, and in the towns of Johnsburgh, Stony Creek, and Thurman, and the islands in Lake George, in the county of Warren, except such lands as may be sold as provided in this article, shall constitute the Adirondack park. Such park shall be forever reserved, maintained and cared for as ground open for the free use of all the people for their health and pleasure and as forest lands, necessary to the preservation of the headwaters of the chief rivers of the state, and a future timber supply; and shall remain part of the forest preserve.

§ 121. Powers and duties of forest commission. The forest commission shall have the care, custody, control and superintendence of the Adirondack park, and within the same and with reference thereto and to acts committed therein and to persons committing the same, all the control, powers, duties, rights of action and remedies belonging to such commission or the commissioners of the land office within and with reference to the forest preserve as to acts committed therein and persons committing the same. The forest commission shall have power:

1. To contract as herein provided for the purchase of land situated within the bounds of the park as defined in the preceding section; if any such lands can not be purchased on advantageous terms unless subject to leases or restrictions or the right to remove soft wood timber, the contract may provide accordingly, but not for any such right, lease or restriction after ten years from the date of the contract, nor for the right to remove any such trees with a diameter of less than twelve inches at the height of three feet from the ground.

2. To contract as herein provided, on giving notice by publication for at least thirty days in at least two newspapers published in the county where the lands are situated, to sell and convey any part of the forest preserve within the counties of Clinton, Fulton, Lewis, Oneida, Saratoga, Washington, Saint Lawrence, Franklin (except the town of Harrietstown), Herkimer (except the town of Wilmurt), Essex (except the towns of Newcomb and

North Elba, and Warren, (except the islands in Lake George and land upon the shore thereof), the ownership of which is not in the opinion of the commission needed to promote the purposes of this or the preceding article. All such sales shall be made on sealed bids and to the highest bidder; but the commissioners must reserve the right to reject all bids.

3. To contract with owners of land situated within the bounds of the park that such lands may become part of the park and subject* to the provisions of this article, in consideration of the exemption of such lands from taxation for state and county purposes which contract shall contain a provision that the owners of such land and their grantees shall refrain forever from removing any of the timber thereupon except spruce, tamarack or poplar timber twelve inches in diameter at a height of three feet above the ground or fallen, burned or blighted timber and such other and further conditions as to the right of occupancy of such lands by such owners or their grantees as may be equitable. Such contract may also reserve to the owners of such forest lands and their grantees the privilege of clearing portions of such lands for agricultural or domestic purposes under regulations to be prescribed by the forest commissioners, but no such privilege shall give to the owners or grantees of said lands, the right to clear more than one acre within the boundary of each one hundred acres covered by said contract.

4. To lease from time to time for a term not longer than five years, land within the forest preserve, not more than five acres in one parcel to any person, for the erection of camps or cottages for the use and accommodation of campers. Such leases shall contain strict conditions as to the cutting and protection of timber and the prevention of fires, a reservation for travelers of the right of passage over the land leased at all proper and reasonable times and a covenant on the part of the lessee to observe all ordinances or regulations of the forest commission theretofore or thereafter to be prescribed; and no exclusive privilege of fishing or hunting shall be granted to any person. All revenues received from such leases shall be paid into the state treasury and shall be placed to the credit of the special

* So in the original.

fund established for the purchase of lands within the Adirondack park.

5. To prescribe and enforce ordinances and regulations for the government and care of the park and for the licensing or regulation of guides or other persons engaged in business therein.

6. To lay out paths and roads in the park.

7. To sell the standing spruce, tamarack and poplar timber, the fallen timber and the timber injured by blight or fire, on any of the state forest lands under such regulations and restrictions as the forest commission may prescribe, provided, however, that no such standing timber except poplar shall be sold which shall measure twelve inches or less in diameter at least three feet from the ground. All proceeds from such sales shall be turned over to the state treasurer, by whom they shall be placed to the credit of the special fund established for the purchase of land within the Adirondack park.

§ 122. **Contracts and conveyances.** A contract mentioned in this article shall not take effect until approved by the commissioners of the land office; a certificate of which approval, certified by the clerk of said commissioners shall be attached to the copy of the resolution of the forest commission authorizing such contract. Every conveyance mentioned in this article shall be certified by the attorney-general to be in conformity with the contract and approved by him as to form before the acceptance or delivery thereof; those to be received by the commission shall be made to the people of the state, recorded in the proper county and after record delivered to the commissioners of the land office as a part of their archives; those for land sold by the state shall be executed by the comptroller and may contain any restrictions, reservations or covenants which the commission deem proper to promote the purposes of this or the preceding article.

§ 123. **Proceeds of lands sold and payment for lands purchased.** The proceeds of lands sold under this article shall be paid to the state treasurer and held by him as a separate fund

and special deposit at all times available for the purchase of other lands under this article. Payment for such purchases and for expenses, necessarily incurred by the commission in the preliminary examinations of lands purchased or sold under authority of this article, or in the examination of titles of lands so purchased, or otherwise necessarily incidental to such purchases or conveyances, may be made from such fund or from any moneys appropriated therefor on the certificate of the commission and audit of the comptroller.

§ 124. Foresters and employes to act as game protectors. The foresters and other employes of the commission shall, when so directed by the commission, act as game protectors, and possess all powers within the park, conferred on such protectors by law; they shall make such reports to the commissioners of fisheries as that commission from time to time may require. The forest commission, with the approval of the commissioners of fisheries, shall provide for the enforcement of the game law within the park by such lawful means as such commissions deem wise, in addition to such other means as are provided by law.

§ 125. Annual report. The forest commission shall include in its annual report an account of its proceedings with reference to the park, including a statement of the number of acres of land purchased or sold during the year, the locality thereof, the price paid or received, the amount of timber sold and the prices received therefor, the revenue from leases, and all other information of importance connected with such transfers and transactions; and shall state the amount of money required in the next fiscal year for the purchase of lands and expenses of the park, and make such recommendations with reference thereto as it deems wise.

§ 126. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 127. When to take effect. This chapter shall take effect immediately.

Schedule of Laws Repealed.

Revised Statutes.		Sections.
Part 1, chapter 17, title 3		1-4.
Laws of	Chapter	Sections.
1841.....	169.....	All, except §§ 3 and 6.
1844.....	336.....	All.
1848.....	299.....	All, except §§ 3 and 6.
1869.....	167.....	All.
1878.....	134.....	All.
1879.....	306.....	All.
1880.....	592.....	All.
1881.....	300.....	All.
1882.....	215.....	All.
1882.....	238.....	All.
1882.....	246.....	All.
1883.....	13.....	All.
1884.....	202.....	All.
1884.....	418.....	All.
1884.....	474.....	All.
1885.....	183.....	All, except § 26.
1885.....	283.....	All.
1885.....	127.....	All.
1885.....	458.....	All.
1886.....	280.....	All.
1886.....	577.....	All, except that part of § 6 designated as § 24.
1887.....	155.....	All.
1887.....	223.....	All.
1887.....	403.....	All.
1887.....	430.....	All.
1887.....	475.....	All.
1887.....	562.....	All.
1887.....	583.....	All.
1888.....	286.....	All.
1888.....	298.....	All.
1888.....	520.....	All.
1888.....	550.....	All.
1889.....	24.....	All.
1889.....	148.....	All.
1889.....	515.....	All.

Schedule of Laws Repealed. — (*Continued*).

Laws of	Chapter	Sections.
1889.....	538.....	All.
1890.....	8.....	All.
1891.....	140.....	All.
1891.....	354.....	1, 2.
1892.....	501.....	All.
1892.....	707.....	All.

STATE OF NEW YORK,
Office of the Secretary of State. } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANK RICE,
Secretary of State.

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